

11 JUNE 1947

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of
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I N D E X
of
EXHIBITS

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(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2721G	1005-(19)		Telegram sent by Witness KAGESA, Sadaaki dated 23 May 1939 to Chief of General Affairs Section	24052	
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Wednesday, 11 June 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present.
4 The accused TOJO will be conferring with his counsel,
5 with the Court's permission, until eleven o'clock this
6 morning.

7 I have to give the decision of the Tribunal
8 on the application by the defense for a recess.

9 At the close of the prosecution's case on
10 3 February last, the defense applied for a thirty-day
11 recess to enable them to consider the prosecution's
12 evidence and make a proper presentation of the defense
13 evidence. They assured the Tribunal that this was
14 necessary and that if granted they would not require
15 another recess before June.

16 However, the Tribunal granted only twenty days,
17 and at the end of March the defense applied for a further
18 recess to enable them to carry on, as they had com-
19 pletely exhausted their material at that stage. A recess
20 of seven days was then granted.

21 Now the defense apply for a recess of six
22 weeks from the 23d of June, and they assure us that
23 this is absolutely necessary to enable them to continue
24 to present the defense evidence. They suggest that if
25 the recess is not granted the case will come to a

1 standstill in any event. They also assure us that if
2 the six weeks they apply for is granted, they will be
3 able to carry on without any further recess.

4 As the six weeks will terminate long before
5 the not weather is over, we are satisfied the defense
6 do not desire the recess to avoid working in such
7 weather.

8 (The interpretation section will relay the
9 rest of what I have to say. They have not a copy of it.)

10 We must accept the solemn assurance of the
11 defense that this recess is essential. We, therefore,
12 have decided to grant the recess to the full extent
13 applied for, but on the faith of the assurance of the
14 defense that no further recess will be necessary to
15 enable them to complete their case.

16 At page 23,949 of yesterday's transcript,
17 there should be shown the fact that Justice Cramer
18 resumed his seat on the bench after the afternoon
19 recess.

20 Mr. Roberts.

21 MR. ROBERTS: I shall proceed to read
22 exhibit 2721, the commission of KAGESA, Sadaaki.

23 In view of the fact that exhibit 2721 includes
24 the affidavit of the witness, I shall omit the reading
25 of the commission and the formal parts, and begin on

KAGESA

DIRECT

1 page 5 of the report.

2 (Reading:)

3 - - -

4 S A D A A K I K A G E S A, called as a witness
5 on behalf of the defense, being first duly
6 sworn, testified through Japanese interpreters
7 as follows:

8 DIRECT EXAMINATION

9 BY MR. ROBERTS:

10 May the witness be shown defense document
11 1282, please?

12 Q Will you examine this document, Mr. KAGESA,
13 and tell us whether or not it is your sworn affidavit?

14 A This is my affidavit.

15 Q Are there any corrections that you desire
16 to make at the present time, Mr. KAGESA?

17 Perhaps for the record we should have the
18 witness state his name and his address.

19 A I should like to make a correction.
20
21
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23
24
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KAGESA

DIRECT

1 There is one typographical error.

2 Q Tell us what page, please.

3 A Section 12.

4 THE COMMISSIONER: Can the interpreters
5 tell us where that is in the English translation?

6 MR. ROBERTS: Is that paragraph 12?

7 THE MONITOR: That is right, sir; numbered
8 paragraph 12.

9 THE INTERPRETER: Section 12 begins at the
10 bottom of page 11 in the English text.

11 Q What was the correction?

12 A Page 15, 5 in parentheses.

13 Q That is on page 15 of the English text
14 and the subdivision marked 5?

15 A It says here that in connection with the
16 address given by Dr. Sun Yat-sen in Kobe, the 12th
17 year of Taisho, this should read the "13th" year of
18 Taisho.

19 Q Are there any other corrections?

20 A That is all, sir.

21 Q Will you please state your name and address
22 for the record, please, Mr. KAGESA?

23 A KAGESA, Sadaaki.

24 THE MONITOR: Just a minute, in this
25 Japanese translation here the word "Sun Yat-sen's"

KAGESA

DIRECT

1 principle -- the Japanese translation says, "Sun
2 Yat-sen's" principle. In his original it says,
3 "Mr. Sun Yat-sen," that is, Mr. or Teacher or
4 Professor Sun Yat-sen. He just pointed out the
5 mistake and wishes to have it corrected in the
6 copies, the Japanese copies.

7 THE COMMISSIONER: That is unimportant.
8 We all know who Sun Yat-sen was.

9 MR. ROBERTS: Has he given his name and
10 address?

11 THE INTERPRETER: Just the name; he just
12 gave his name.

13 BY MR. ROBERTS (Continued):

14 Q Please state your address.

15 A First National Hospital.

16 Q Are you also known by the name of Yoshiaki?

17 A No, only Sadaaki.

18 MR. ROBERTS: I ask that in the English
19 text, the name be changed from "Yoshiaki" to "Sadaaki",
20 wherever it so appears.

21 THE COMMISSIONER: The affidavit as identified
22 and sworn to by the witness will be received in evidence.

23 Yes, Mr. Sutton.

24 MR. SUTTON: May it please your Honor,
25 counsel had not tendered the affidavit.

KASEGA

DIRECT

1 MR. ROBERTS: No, I am just about to
2 tender it. I formally tender in evidence defense
3 document No. 1282.

4 MR. SUTTON: May it please the Court,
5 the prosecution objects to and moves to strike out
6 those portions of the affidavit which refer to docu-
7 ments and purport to give their contents, which
8 documents are not produced and no reason is given
9 for the failure to produce them. A number of such
10 references appear in the affidavit. We draw partic-
11 ular attention to the following:

12 (1) Section 5, pages 3 and 4, the docu-
13 ments entitled, "Tentative Terms of Peace between
14 Japan and China," and "The Policy for the Adjustment
15 of Relations between Japan and China."

16 (2) Section 10, page 10, the last para-
17 graph of that section which purports to give the
18 contents of the circular telegrams of 16 January 1940.

19 (3) Section 13, pages 16 and 17, the pro-
20 visions of the document entitled "request concerning
21 the realization of the principle of respecting
22 sovereignty." This objection applies particularly
23 to items (a) to (e) inclusive in Section 13 on page
24 17.

25 (4) Section 14, page 18, the New Year's

1 statement, being the last paragraph of Section 14.

2 THE COMMISSIONER: Is that the only objec-
3 tion offered to the document, Mr. Sutton?

4 MR. SUTTON: Those are the only objections,
5 sir.

6 THE COMMISSIONER: As a matter of convenience
7 I will accept the affidavit as it stands, have it
8 attached to the depositions, and marked with the
9 letter "A" for identification. That is done without
10 prejudice to the objection raised by the prosecution
11 inasmuch as the decision upon the objection raised
12 is more proper to be determined by the Tribunal than
13 by this Commission.

14 Have you anything further?

15 Yes, Mr. Roberts.

16 MR. ROBERTS: It was my intention to ask
17 the Court's permission to read the affidavit at this
18 time.

19 THE COMMISSIONER: I assume that all counsel
20 present will have read the English translation and
21 Japanese counsel present will have read the Japanese
22 original. That being so, I do not think it is neces-
23 sary to detain the witness for the mere formality of
24 reading the document but I will ask the recording staff
25 to record it at this place in the depositions as if,

KAGESA

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1 in fact it had been read and, as it may be referred
2 to page by page, I will ask the recorders to note
3 as they transcribe it where each page commences.

4 On whose behalf, Mr. Roberts, do you
5 tender the witness?

6 MR. ROBERTS: He is being examined in
7 the general phase on behalf of defense counsel in
8 general.

9 THE COMMISSIONER: Do you mean by that he
10 is tendered on behalf of all the accused?

11 MR. ROBERTS: I cannot say that he is being
12 tendered by all of the accused but I would say that
13 in general he is being tendered on behalf of the accused.

14 THE COMMISSIONER: I am afraid that is not
15 satisfactory, Mr. Roberts. You who are tendering
16 him should be able to inform the Court as to which
17 of the accused are having him tendered as their witness.
18 Can you tell me?

19 MR. ROBERTS: I understand that he can be
20 tendered on behalf of all of the accused.

21 THE COMMISSIONER: You mean by that that
22 he is, in fact, being tendered on behalf of all the
23 accused.

24 (Whereupon, the document above referred
25 to was marked defense exhibit "A" for identification

1 and the English translation thereof is
2 copied into the record as follows:)

Page 3

4 "1. I, KAGESA, Sadaaki, am an ex-
5 Lieutenant General, and now recuperating at the
6 1st National Hospital from pulmonary tuberculosis.

7 "2. I had served as Chief of the Chinese
8 Section of the General Staff Office from August of
9 the 12th year of Showa (1937), and was appointed
10 Chief of the Military Affairs Section of the Military
11 Affairs Bureau of the War Ministry in June 1938.

12 "In accordance with the decision of the
13 HIRANUMA Cabinet's Five Ministers Council in April
14 of the 14th year of Showa (1939) with respect to
15 Mr. Wang Ching-wei's Japan-China peace movement, I
16 assisted Mr. Wang Ching-wei in removing to Shanghai
17 as he, having moved to Hanoi from Chungking at that
18 time, was planning the peace movement. He was be-
19 ginning to feel his personal danger. I helped him
20 continuously in his movement of establishing the
21 Central Government. At the establishment of Wang's
22 Government towards the end of March in the 15th year
23 of Showa (1940), I became his highest military adviser
24 and held the position till May of the 17th year of
25 Showa (1942).

"Therefore, I am well acquainted with the

Page 1
(Cont.)

2 details of the establishment and the character of
3 the Nanking Government which had Wang Ching-wei at
4 its head.

5 "3. I am not very well acquainted with
6 the peace negotiations carried out through the
7 medium of Mr. Trautmann, German Ambassador to China,
8 from the end of 1937 to the beginning of 1938 since
9 they were presided over by the Minister of Foreign
10 Affairs. However, I recollect that the National
Government once was about to accept the terms of

Page 2

11 the Japanese (p. 2) Government but on the 14th of
12 January it suddenly sent an answer contrary to the
13 expectation of the Japanese Government.

14 "The attitude of the National Government
15 towards these negotiations may be seen from an
16 essay of Wang Ching-wei's entitled 'For An Instance'
17 published on the 27th of March 1939.

18 "Upon receipt of the National Government's
19 reply of the 14th of January the Japanese Government
20 drew the conclusion that the Chinese Government had
21 no sincerity in the peace negotiations between China
22 and Japan and announced on January 16 that henceforth
23 it would have nothing to do with the National Govern-
24 ment. It was not because the Japanese Government
25 abandoned all hopes for an overall peace between

KAGESA

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Page 2
(Cont.)

China and Japan. Japan was very eager for it and gave up the peace effort with the National Government which was judged to be unfaithful to the idea of general peace. She intended to accomplish the same purpose in some other way.

"4. In the spring of 1938 Mr. Kao Tsung-wu, former Director of the Bureau of Asiatic Affairs, and Mr. Tung Tao-ning, former Chief of a section of the Bureau of Asiatic Affairs, came to Tokyo in succession. I met them in the capacity of Chief of the Chinese Section of the Military Affairs Bureau. Their purpose of visiting Tokyo was, in fine, to make the Japanese Government understand that 'once the Japanese Government disregarded the Chiang Regime, some other person than Chiang Kai-shek must be sought to invite peace between Japan and China. For that purpose no one was better suited than Mr. Wang Ching-wei, who feeling (p. 3) the necessity of expeditiously settling the problem between Japan and China is advocating peace. His assertion, however, would never be accepted by the National Government. Therefore there was no alternative but to make Chiang Kai-shek listen to peace overtures by launching a national peace movement outside the Government.

"The Japanese Government seemed to have no

KAGESA

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Page 3
(Cont.)

particular objections to Mr. Kao's plan.

"After that, however, the Japanese did not make any positive overtures to Mr. Wang Ching-wei.

"5. As we heard nothing further from Mr. Kao Tsung Wu, we thought that his movement had failed and did not take any particular pains to investigate into the matter. But in the autumn of the same year (1938), Colonel IMAI of the General Staff who happened to go to Shanghai on official business, returned to Tokyo with the 'Tentative Terms of Peace between Japan and China' which had been drawn up by Mr. Kao and Mr. Mei Ssu-ping.

"The Central military authorities made some amendments to that tentative plan in accordance with 'the policy for the adjustment of relations between Japan and China' which had already been drawn up, and I together with Colonel IMAI was ordered to proceed with the terms to Shanghai on the 19th of November and transmitted them to Messrs. Kao and Mei. Since they gave us their opinions containing some desires on the part of China, we made several amendments. In form, this plan was different from the KONOE statement of the 22d of December of the same year, but in substance (p. 4) it was almost the same. In addition to that, the Chinese proposed that

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1 'Mr. Wang escape from Chungking according to a pre-
2 arranged plan and thereupon the Japanese Government
3 would be expected to announce the terms of peace.'
4 This was due to the fact that in order to give
5 impetus to the development of Mr. Wang's peace move-
6 ment it was necessary to clarify what Japan desired
7 of China.

8 "We transmitted these matters to our respec-
9 tive superiors, and the War Minister reported them
10 to the Five Ministers Council and obtained its
11 assent. I remember it was on the 25th of November.

12 "6. Mr. Wang agreed to the result of our
13 conversations at Shanghai and escaped from Chungking
14 on the 18th of December 1938, according to a pre-
15 arranged plan and reached Hanoi in French Indo-China
16 on the 20th.

17 "Premier KONOE announced what is known as
18 'Konoe's three principles' regarding the policy for
19 the adjustment of relations between Japan and China
20 on the 22d of the same month, while Mr. Wang in re-
21 sponse to the KONOE statement sent circular telegrams
22 containing peace representations to the Central
23 Office of the Kuomintang Party, Chiang, President of
24 the Kuomintang Party, and the Central Executive Com-
25 mittee. In these telegrams he argued the necessity

KAGESA

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Page 4
(Cont.)

of peace between Japan and China, stated the impossibility of resistance, and explained that, once Japan's attitude had been made clear by the KONOE statement further resistance was useless. Thus he earnestly desired reconsideration of the National Government.

Page 5

(P. 5) "7. At this juncture, I must go into the history of the KONOE statement, and recollect the broad points of view of Premier KONOE, Navy Minister YONAI, War Minister ITAGAKI, Foreign Minister ARITA and Finance Minister ISHIWATARI with respect to the adjustment of relations between Japan and China.

"In view of the attitude of the National Government at that time, a fairly long war was to be expected. It is natural that the Japanese demands upon China would increase, in proportion with the prolongation of the war resulting in the increase of sacrifices and the magnification of victories. But what Japan wanted of China was the co-existence and co-prosperity of Japan and China based on a hearty collaboration between the two nations. At this point, in accordance with the various Ministers' idea that Japan's grand policy embracing what she desired of China must be decided as the National policy, the

KAGESA

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authorities of the War, Navy, Foreign and Finance
Ministries commenced to formulate plan from about
July 1938 and at length it was referred to an Imperial
Conference on the 30th of November. The national
policy was decided then. The KONOE statement of the
22d December 1938 was the summary thereof. At that
time, not a few people, civilians, government and
military circles and like thought that reparations
for the sacrifices suffered during the Chino-Japanese
Incident should be in the form of acquisition of
territory or control of management. It is a remark-
able fact that this grand national policy which
seemed rather weak-kneed was decided upon under such
circumstances utterly abandoning the idea of reparations.

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(P. 6) "8. On the 1st of January 1939 the
Kuomintang Party of the Republic of China decided to
strike Mr. Wang's name off the party register and
to expel him from all public offices. Special
service agents were dispatched to Hanoi by the Chung-
king Government and they threatened him. Mr. Tseng
Chung-ming, Mr. Wang's right-hand man, was assassinated
at Mr. Wang's house in Hanoi on the 21st of March.
Thus it was reported that his life was endangered
every minute. At a meeting of the Five Ministers'
Council it was determined that I should see Mr. Wang

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(Cont.)

and, if necessary, assist him to reach a safety zone if requested. I reached Hanoi on the 17th of April by the 'Hokko Maru' together with YANO, Secretary of the Foreign Office and Mr. INUKAI, Ken.

"9. I met Mr. Wan Ching-wei at his private residence in Hanoi on the 18th of April.

"Mr. Wang regretted the outbreak and the development of the Sino-Japanese Incident, and said, 'I discussed with Mr. Chiang Kai-shek in writing or in direct talk about the necessity of Sino-Japanese cooperation in which I believe, but Mr. Chiang Kai-shek told me that it was impossible to bring about peace partly because he himself was suspicious of Japan's real intentions, and partly because of various circumstances. Just when I thought that there was no way but to attempt to sway the Chungking Government by arousing public opinion from the outside giving up the project of getting Mr. Chiang Kai-shek to change his mind while in Chungking I was notified by Mr. Kao Tsung-wu and Mr. Mei (p. 7) Ssu-ping of Japan's peace policy. I strongly believed that it was not impossible to obtain public opinion, if Japan really abided by that policy.' He also said that the KONOE statement of the 22d of December had a most important effect on the development of the peace move.

Page 71
(Cont.)

"Mr. Wang further stated that, as it was dangerous and meaningless to stay at Hanoi, he wanted to further the movement with the seat of his activities in Shanghai and that he was intending to move from Hanoi to Shanghai with the consent of the French Indo-china authorities. He also hoped to develop the peace move after arriving at Shanghai by a much more advanced method than which had been planned till then. He was considering the plan to be followed.

"Mr. Wang's original plan for the development of the peace move was to instill peace enthusiasm among the people with the members of the Kuomintang as central figures and make the National Government do away with the anti-Japan policy. As already mentioned he had no intention of establishing a government.

"10. Mr. Wang chartered a French ship with the consent of the French Indo-China authorities and boarded it on the 25th of April, 1939, at Katoba Island (T.N. Not clear), guarded by staffs of the Peace Preservation Bureau of French Indo-China. The ship left on the 26th. We, the Japanese members boarded the 'Hokko Maru' at Haiphong. On the 28th we received from Mr. Wang Ching-wei a communication to the effect that he wanted to transfer to the 'Hokko Maru',

KAGESA

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Page 8²

and in the same evening he changed ships presumably in the offing northeast of Bias Bay. Then, (p. 8) after touching at Keelung to replenish coal and provisions, sailed straight for Shanghai and reached the Hongkow wharf in Shanghai on the 8th of May. I often talked with Mr. Wang on board the 'Hokko Maru'. The important things which Mr. Wang told me and Mr. INUKAI during our conversations are as follows:

"(1) Until then the plan of the peace move was to organize a peace body centered around the Kuomintang members, to point out the reason why Chungking's anti-Japanese theory was erroneous, to explain that peace was the only way to save China and East Asia; to enlarge the peace camp by degrees; and ultimately to make Chungking change its policy. But upon careful consideration, it is extremely difficult to make the Chungking Government change its policy by discussion alone.

"Now, the advocacy of peace came from his love for China, but anti-Japanism is also an expression of patriotism. However, advocacy for peace cannot easily be distinguished from treason. It is therefore difficult to make the general populace listen to the advocacy of peace quite unlike the advocacy of resistance to Japan which fall on ready ears. Advocacy for

KAGESA

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Page 7¹
(Cont.)
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and in the same evening he changed ships presumably in the offing northeast of Bias Bay. Then, (p. 8) after touching at Keelung to replenish coal and provisions, sailed straight for Shanghai and reached the Hongkow wharf in Shanghai on the 8th of May. I often talked with Mr. Wang on board the 'Hokko Maru'. The important things which Mr. Wang told me and Mr. INUKAI during our conversations are as follows:

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(Cont.)

peace can shine only when the righteousness and adequacy of Japan's policy are endorsed by facts. That is, if the KONCE statement is actually put into practice, the Chungking Government's advocacy for resistance to Japan will lose its basis. Then, I believe, even the Chungking Government will have no choice but to turn to peace swayed by the general current of public opinion. For that purpose, the shortest way is to establish a peaceful government (p. 9) and cooperate with the Japanese Government in implementing the KONCE statement.

"For this reason, I thought it best to give up the previous plan and establish a peace Government, to arouse public opinion that resistance was meaningless not only through the enlightening movement by speech to Chungking but also through factual proof of the good results of Sino-Japanese cooperation. By doing this the Chungking Government might turn to peace.

"Therefore, if the Government of your country has no objection to this new plan, I wish to change the previous plan and proceed with the establishment of a peace government.

"(2) The establishment of the government does not aim at the destruction of the Chungking

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(Cont.)¹

Government. If only peace can be invited, I don't care who holds the political power. The purpose of the peace move is to influence the Chungking Government to turn to peace, and to make it cease the resistance. For that reason, it is not desirable to provoke a civil war such as to fight against Chungking and cause bloodshed though it will be necessary to possess military forces after the establishment of the government. If the Chungking Government join my movement in the future, the purpose of the movement will have been attained and I shall retire to private life without any hesitation. This fact I wish to state definitely and make myself clear.'

"In short, what Mr. Wang intended was to show the Chungking Government and the general public that the advocacy of peace was not groundless (p. 10) by establishing the peace government and creating a living example of cooperation with Japan, and thereby conduct the Chungking Government to peace, and bring about a general peaceful cooperation with Japan in conjunction with the Chungking Government. Therefore, with the establishment of Mr. Wang's new regime, China would be, for a time, divided into two camps -- the peace faction and the resistance group -- but ultimately she would be reunited into one. Without this reunion

KAGESA

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Page 10 it is a certainty that general peace cannot be
2 achieved. That was the guiding principle of Mr. Wang's
3 movement.

4 "This can be seen through the words in his
5 circular peace telegram of 16th January 1940: 'If
6 Mr. Chiang in consideration of the fate of the
7 country and the welfare of the nation, courageously
8 decides upon a farsighted policy, makes peace with
9 Japan, and, in accordance with the principles of the
10 KONOE statement seeks its concrete facts, Chao-ming
11 and his comrades will certainly join forces with him
12 and rapidly bring about peace to the whole country.'

13 "11. Reaching Shang'hai on 8th May 1939,
14 Mr. Wang Ching-wei met his comrades, Chu Min-yi,
15 Chow Fu-hia, Fu Shi-shuo, Mei Ssu-ping, Kao Tsung-wu,
16 etc. As a result of the meeting he decided to visit
17 Japan. He informed me of that determination and re-
18 quested me to communicate with the Japanese Government
19 at my discretion. He was drawing up the plan of the
20 peace movement and studying the points which he would
21 demand from the Japanese Government. As soon as these
22 plans were completed, (p. 11) he intended to depart.

23 "The principal points drawn up by Mr. Wang
24 with respect to his visit to Japan were in substance
25 as follows:

KAGESA

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(Cont.)

"(1) Opinions will be frankly exchanged with Prince KONOE, Premier HIRANUMA and some other ministers concerned, Mr. Wang would personally attend to these matters.

"(2) If, as a result of the meetings, the peace movement is considered hopeful the following articles will be implemented by Chou Fu-hai.

"A. In order to further the movement 'Demands Concerning the Execution of Principles of the Respect of Sovereign Rights' will be presented to the Japanese Government due to the necessity of making the Chinese people understand that Japan has no intention of aggression, control or of interfering with the internal affairs of China.

"B. In order to show that the new government was not formed under the pressure of Japan, it is necessary not to disrupt the previous judicial system and the Japanese Government will be required the consent to the recognition of the following matters as being indispensable terms: The new government shall be called the National Government. The form of its establishment shall be the 'return to the capital'. The San Min Chu-i, Three Peoples' Principles will be made the guiding conception, the 'Sun-in-the-blue-sky-flag' will be used as the national flag.

KAGESA

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(Cont.)

1 "12. Mr. Wang and his party left Shanghai
2 for Tokyo by air at the beginning of June, 1939. The
3 party consisted of Chou Fu-hai, Mei Ssu-ping, Kao
4 Tsung-wu, Chou Lung-yang and Tung Tao-ning. On the
5 (p. 12) Japanese side, YANO and SHIMIZU, Secretaries
6 of the Foreign Office and Ken INUKAI and I joined the
7 party.

Page 12

8 "Soon after our arrival at Tokyo, Mr. Wang
9 had an interview with Premier HIRANUMA. At the inter-
10 view, the Premier expressed his opinion concerning
11 the Sino-Japanese cooperation to be based upon
12 moral conception and admired Mr. Wang's moral courage
13 in attempting to solve the unfortunate incident be-
14 tween Japan and China. Answering this, Mr. Wang said
15 that further struggle between Japan and China would
16 be meaningless and that he is determined to concentrate
17 all his energies on the materialization of peace. He
18 then asked the Premier whether Japan had a policy for
19 promoting the peace movement with the Chungking Govern-
20 ment for the positive solution of the Incident; whether
21 Japan had the policy of directing its activities towards
22 sympathizers in civil circles and excluding the Kuo-
23 mintang party members; whether Japan had the intention
24 of paving the way to the solution of the incident by
25 welcoming all persons who give thought to the future

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Page 12
(Cont.)

of both countries regardless of whether they both are among Government circles or among civilian circles, members of the Kuomintang or and other party. And he stated that he would establish a Peace Government with himself as its central figure if Japan considered this third method appropriate, and that he would serve sincerely for the attainment of the purpose.

"In reply to Mr. Wang, Premier HIRANUMA said that the present cabinet inherited the ideas of the KOMOE statement and is adhering to it firmly. He also expressed his approval of the opinion of

Page 13 Mr. Wang and (p. 13) the peace policy, and stated that Japan was ready to lend absolute assistance and support in response to his decisive will. To this interview I was a witness and heard everything from the beginning to the end.

"As for the interview with the other ministers concerned, I have no recollection of anything requiring special mention, except to the statement of the War Minister, ITAGAKI. Acting in the capacity of proxy for Premier HIRANUMA, the War Minister, ITAGAKI, in the morning of June 15 stated just what was expected by Japan and exchanged opinions.

"I was a witness to this interview and was

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(Cont.)

able to understand well the contents of the conversations. I observed then that the War Minister was especially careful in the choice of his words so as to avoid giving any impression to Mr. Wang of interference in the internal policy of China. Recalling from my memory, the gist of the conversation was as follows:

"(1) The War Minister asked Mr. Wang, 'What is your opinion concerning the liquidation of past evils arising out of the doctrine of 'One Nation, One Party' at this opportunity?' Mr. Wang said that he held the same opinion and that he had the desire to live up to the Minister's expectation by directing matters in such a way as to take in members of all parties and factions, Kuomintang or otherwise, inasmuch as it is feared that any dislocation of the juridical system would entail an obstacle to the future development of the movement..

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"(2) The Minister answered, 'persons belonging to the two existing governments, the Provisional and the Restoration, are faithful to the same idea. They have striven for the peaceful cooperation between Japan and China enduring persecution's joy and Japan cannot dissolve them without some consideration. Therefore I want your opinion on the

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(Contd.)

establishment of a political council with the Provisional Government and Economic Council with the Reformation Government or something of the sort in order to manage Sino-Japanese relations locally.' To this Mr. Wang answered, 'I have no objection to the establishment of a Council in North China which is far from Nanking and in entrusting the local administration thereto to a certain extent. There is an example in Mr. Huang Fu who was once the head of the Political Council there. However, I am unable to consent to the establishment of anything of this nature in Central China. I am ready to consider, of course, the warm treatment of persons thus affected in this region.'

"(3) The Minister said, 'Many people interpret nationalism or the doctrine of the people's welfare in San-Min-Chu-I as if it accepts pro-communism and anti-Japanism. Have you not any opinion as to the adjustment of this at this opportunity and promote Sino-Japanese cooperation and anti-communism?' Mr. Wang answered that he was altogether of the same opinion.

"(4) The minister stated, 'Most of the Japanese people think that the 'Sun in the Blue Sky' flag denotes the sign of anti-Japanism. If the (p. 15)

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Page 15 Peace Government and its army had the same flag
1 with that of the anti-Japanese Government, unexpected
2 results may occur in actual military actions of the
3 Japanese army. May I ask you for some consideration
4 on this point?' Mr. Wang was absolutely opposed to
5 this but said that he would consider a method by
6 which a distinction may be made between the Nanking
7 and Chungking corps.

8 "(5) The Minister sought Mr. Wang's opinion
9 as to the problem of the recognition of Manchukuo.
10 To this Mr. Wang answered in the following vein,--
11 'according to the address given by Dr. Sun Yat-sen
12 in Kobe in the thirteenth year of Taisho, recognition
13 of Manchurian independence is not against doctrine.
14 We should recognize Manchukuo as an independent
15 nation in view of her present stage of vivid develop-
16 ment. Inasmuch as I am set on the aim of realizing
17 peace with Japan, I am firmly convinced there is no
18 alternative but to recognize Manchukuo.'

19 "In the above interview, the Minister
20 considered that in so far as the internal affairs
21 were concerned, it would be wise to accept Mr. Wang's
22 opinion, but since the problem of the national flag
23 and that of the dissolution of the Renovation Govern-
24 ment are concerned with the prosecution of the war,
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(Cont.)

he perceived that it would be necessary to make the Japanese army in China cognizant of the opinion of Mr. Wang and therefore summoned his staff officers to Tokyo. The staff officers of each army were opposed to 'the Blue Sky and the White Sun Flag,' because the Japanese officers and soldiers have a strong belief that the 'Blue Sky and the White Sun Flag' is the symbol of anti-Japanism and that it

Page 16

makes (p. 16) the distinction between the peace army and the anti-Japan army difficult. They were also opposed to the dissolution of the Renovation Government because it would give rise to difficult problems in the maintenance of public peace.

"But as a result of discussions, the staff officers of each army understood the will of the minister who thought that it had better respect fully the will of Mr. Wang concerning such internal problems in China, and they came to agree with the opinion of the minister. Thus they arrived at the conclusion that since the central authorities had resolved to respect Mr. Wang's opinions they must make their subordinates subservient to this decision.

"ITAGAKI, the War Minister, informed the Five Ministers' Conference of these happenings and it was decided to respect without reservations the will

Page 16
(Cont.)

of Mr. Wang.

"After the interview with the Premier and the ministers concerned, Mr. Wang had an interview with Prince KONOE. Without an interpreter Prince KONOE talked with Mr. Wang for hours, and so I could not understand its contents in detail. But it seemed to me that at this interview Mr. Wang was inspired with much courage and hope as to the future of the peace movement.

"13. Following this, the aforementioned 'request concerning the realization of the principle of respecting sovereignty' was submitted by Chou Fu-hai and the contention on the Chinese side was generally admitted by the Japanese Government. The more important items, still in my memory, are as follows:

"(a) Japan will not interfere with China's domestic administration. Therefore all negotiations will be carried out through the regular diplomatic channels. Advisers shall be provided at China's request only in the Central Government and the highest military body. An adviser will answer inquiries and submit his opinion occasionally to the Chief concerned but a decision will be made exclusively by the Chief concerned.

Page 17
(Cont.)

"(b) As to joint enterprises, improper appraisal of property on the Chinese side shall be corrected and the proportion of Japanese investment shall be limited.

"(c) Surplus customs duties in the custody of the Tax Control Bureau and the Yokohama Specie Bank shall be transferred to the Central Government after its organization.

"(d) The Salt Administration shall regain its pre-war status immediately after the organization of the Central Government.

"(e) Factories, mines and houses under the Japanese Army's control shall promptly be returned to China except those which are necessary from the military viewpoint.

"14. As previously mentioned, the original plan of Wang Ching-wei was to develop a peace movement with Kuomintang members as its leaders, with no intention whatsoever to establish a government. But he changed his mind during his stay in Hanoi and that plan was replaced by a peace movement (p. 18) plan based on establishing a government. The establishment of Mr. Wang's regime entirely depended on his own free will, and the Japanese Government neither requested Mr. Wang to establish a government nor

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1 persuaded him to do so. This is clear in the talk
2 between Premier HIRANUMA and Mr. Wang Ching-wei
3 during his visit to Tokyo in the first ten days of
4 June, 1937. His New Year's statement issued on
5 January 1, 1940 bore eloquent witness to these cir-
6 cumstances.

7 "From the following paragraph in the New
8 Year's statement, it is evident that the Nanking
9 Government was established really in accordance with
10 Mr. Wang's free will: 'As to my positive embarkation
11 on the peace movement for saving our country, some
12 of my friends approved it and others opposed it,
13 advising me in various ways. I, myself, was extremely
14 worried about the means and ways. In order to achieve
15 the great mission which is in common with Japan and
16 China for the stabilization and security in East Asia
17 and establishment of a new order in East Asia, was I
18 to stay out of the government and to convert the pres-
19 ent thoroughly anti-Japanese government, advocating
20 peace and salvation of our country, or to achieve
21 this by establishing a new political power? Or, even
22 in case of establishing a new political regime, was I
23 first to establish it as a local political power and
24 then enlarge it gradually to make it Central Government
25 or was I to establish the central government from the

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Page 18
(Cont.)

beginning? Thus there were many ways conceivable.

But comparing all these ways, I reached the conclusion that the most direct and bold way was the most effective and most conducive to future development, and

Page 19 (p. 19) finally I decided to head straight for establishing a central political power.'

"15. The KONOE statement of December 22, 1938 is the only datum available to Mr. Wang Ching-wei with regard to Japan's desire towards China. But it was too abstract, that various opinions, both firm and moderate, would arise therefrom if one were to put it in practice.

"If, after Mr. Wang Ching-wei succeeded in organizing a government, great difference should be found between draft treaty submitted by Japan and Mr. Wang's understanding of the KONOE statement, Mr. Wang would face a difficult situation. The result thereof would be the collapse of his government or his being left in the hands of a puppet political power. In either case it was certain that the peace movement would fail.

"It may be said, therefore, that in order to show the Japanese Government's sincerity toward Mr. Wang and also to make the peace movement a success, the Japanese Government should deliberate with Mr. Wang

Page 19
(Cont.)

as to the embodiment of the KONOE statement prior to Mr. Wang's organizing a government.

"However, in case the contentions of both sides do not agree, Mr. Wang has the liberty to suspend establishing his government.

"I presented the above view to the Government and it was approved. In October, 1939, a tentative plan was shown me by the China Affairs Board.

Page 20 "I, together with Rear Admiral SUGA, Foreign Office Secretary YANO and INUKAI Ken on our side and Chou Fu-hai, Mei Ssu-ping, Lin Paisheng, (p.20) and Chou Lung-Hsinang on Wang's side, conducted exhaustive investigations and discussions. Due amendments were made to the said draft plan and a conclusion was reached on December 30. To this amended plan both the Japanese Government and Wang Ching-wei expressed mutual agreement.

"16. It seems that peace negotiations with Chungking, even after the issuance of KONOE's statement, in January 1938 to the effect that Japan will have no further dealings with the national government, were in many instances conducted by non-official Japanese with the understanding of high government authorities, but I am not well acquainted with this matter. From about January 1940 under the supervision of ITAGAKI, Chief of

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Staff of the Expeditionary Army in China, peace negotiations with Chungking were actively held.

This endeavor was carried on with a view to contributing toward a merger of the Chungking regime and Wang's prospective government and also to bringing about an overall peace. The said peace negotiations were promoted through Sung Tzu-liang.

"About the end of March it was observed that the possibility of their succeeding was very great so that Chief of Staff, ITAGAKI, after consultation with Wang, decided to postpone the formal establishment of the latter's government for several days. But, finally without achieving the effected results, Wang's government was formally set up on March 30. Even after this, maneuvers for peace through Sung Tzu-liang were enthusiastically continued by Chief of Staff, ITAGAKI. The Sino-Japanese treaty negotiations which were started from June 1940 were conducted on a 'dilly-dallying' policy after consultation with Wang. This was also for the purpose of facilitating the success of the said peace maneuvers. Unfortunately, however, these maneuvers also proved unsuccessful, and in October of the same year, it was decided to discontinue the endeavor for peace.

"After the failure of the maneuvers through

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Page 21
(Cont.)

2 Sung Tzu-liang, Foreign Minister MATSUOKA, after
3 consultation with Wang, schemed for peace negotia-
4 tions through the agency of Chien Yung-ming and until
5 the results thereof were definitely known, the signa-
6 ture of the treaty was withheld. But at last, on
7 November 30 of the same year, there took place the
8 ceremony for the signing of the treaty and Japan
9 granted recognition to Wang's government. As stated
10 above, all through the period covering before and
11 after the setting up of Wang's government, every
12 successive Cabinet was deeply concerned about the
13 establishment of peace with Chungking.

14 "17. The Japanese government Army and Navy
15 had no organs or mechanism established for the guidance
16 and supervision of the Wang government. Although the
17 Nanking government had advisors in its Military and
18 Economic Council, these advisors were all appointed
19 and engaged by Wang Ching-wei. They were not forced
20 upon or recommended by the Japanese side. These
21 advisors all acted in accordance with the Chinese
22 regulations and gave advice whenever called upon.
23 They offered their opinions occasionally, but never
24 exercised guidance or interference, nor did they make
25 investigations. These advisors, acting as a medium

Page 22

between Wang's (p. 22) government and the Japanese

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Page 22¹
(Cont.)²

side, made great efforts for the prosecution of the policies of Wang's government.

"The advisors, in order to avoid as much as possible temptations to interfere, assumed such an attitude that they were rather too passive in their conduct. But this was in accordance with the intention of the Japanese government and the military so as to prevent Wang's government from becoming a puppet. Accordingly, in the Wang government organization and personnel affairs were all left to the free will of the Chinese and no restrictions were exercised with respect to these matters. It was the same with the decision on policies and not a few of them were only brought to the knowledge of the Japanese after the decisions thereon were made some of the policies which Wang's government wanted to put into effect proved infeasible because of military restrictions, but this was unavoidable. It cannot however be denied that the Japanese army assumed an attitude to help the execution of the policies of Wang's government, to the greatest extent permissible under such circumstances. As for the budgets also, the Chinese independently decided on them and, according to what we have heard, the economic advisors were lending their good offices by giving their views regarding financial

Page 22¹
(Cont.)₂

resources.

Page 23⁹
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₃ "On the basis of the demand regarding the
₄ political independence which had been agreed upon
₅ between the Wang government and the Japanese govern-
₆ ment in June 1937, the latter stipulated some re-
₇ strictions to the economic advance of the Japanese
₈ into China. In particular, the reduction and restric-
₉ tions made in the percentage of the shares to be held
by the Japanese in Sino-Japanese joint concerns which
were national policy companies, created considerable
repercussions among the Japanese economic circles.
And it was also promised that many of the already
established advantages and vested interests would be
returned to the Chinese. This caused not a few people
among the military, governmental and non-governmental
circles to entertain antipathy and scepticism towards
Wang's government, and some even went as far as to
call Wang's government an anti-Japanese government
under the veil of peace. Thus an anti-Wang government
atmosphere was created within Japan. This was, after
all, a reaction to Wang's government having planned
for its political independence and the Japanese
government having rendered assistance thereto. This
also can serve as a testimony of the fact that Wang's
government was not a puppet government.

Page 23
(Cont.)

"On this 15th day of March, 1947, at Tokyo.

"Deponent /s/ KAGESA Yoshiaki (Seal)"

There are one or two questions that Mr. YAMADA would like to put to the witness.

THE COMMISSIONER: Please do so, Mr. YAMADA.

MR. YAMADA: I should like to ask a question on just one point.

THE COMMISSIONER: On whose behalf?

MR. YAMADA: On behalf of the accused ITAGAKI.

DIRECT EXAMINATION (Continued)

BY MR. YAMADA:

Q Mr. Witness, in your affidavit you say that Mr. Wang Ching-wei met General ITAGAKI on June 16 -- June 15 -- that is, in June of 1939, 14th year of Showa, when Wang Ching-wei and his group came to Tokyo. Has General ITAGAKI ever met or spoken, had conversation with Mr. Wang any other time besides this particular conversation that you mention?

A The first meeting that General ITAGAKI had with Wang Ching-wei was the day following Wang Ching-wei's interview with Prime Minister HIRANUMA. This was on the 11th; that is, the first meeting with ITAGAKI was on the 11th of June. Speaking of the contents of that conversation I might say that General ITAGAKI on that occasion told Mr. Wang Ching-wei that

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1 the war aims of the Japanese army were not to regard
2 the Chinese people as an enemy but to fight against
3 the communists and other troops who were working in
4 collusion with them.

5 THE COMMISSIONER: Will you please stop the
6 witness. I understood the question had relation to
7 the time of this interview. I did not understand
8 that it required also the nature of the interview.
9 Is that so, counsel?

10 MR. YAMADA: That is so.

11 THE COMMISSIONER: In that case the witness
12 need not answer further, having given the date that
13 was sought for.

14 Q Was it not on that day, on the 11th, that
15 Mr. Wang Ching-wei submitted a document to the War
16 Ministry?

17 A Yes, "document regarding the expedient
18 methods in order to save the situation" was the title
19 of the document.

20 THE COMMISSIONER: Will you please explain
21 to the witness that he need answer no more than just
22 that which is put to him. If counsel desire more they
23 will ask him further questions.

24 MR. YAMADA: That is all, sir.

25 THE COMMISSIONER: Do other counsel for the

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1 defense wish to examine?

2 MR. ROBERTS: There are no further questions
3 on the part of the defense. The prosecution may cross-
4 examine.

5 (End of reading.)

6 MR. ROBERTS: I understand that the cross-
7 examination will be read by Judge Hsiang.

8 THE PRESIDENT: Judge Hsiang.

9 JUDGE HSIANG: If it please the Tribunal, I
10 will read the cross-examination proceedings in the
11 absence of Judge Nyi.

12 THE PRESIDENT: Yes, do so.

13 JUDGE HSIANG (Reading continued):
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1 JUDGE NYI: If your Honor please, may I
2 request that the witness exchange seats with the
3 attendant so that he can be nearer.

4 THE COMMISSIONER: I prefer not to disturb
5 it. That has been arranged by the doctor and I think
6 it had better be left as it is.

CROSS-EXAMINATION

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10 BY JUDGE NYI:

11 Q Witness, you have mentioned in your affidavit
12 the peace negotiations carried out through the German
13 ambassador. Do you remember what were the terms of
14 peace?

15 A I do not remember. It is not in my recollection.

16 Q Do you know as a fact that after the fall of
17 Nanking Japan had revised the terms of peace and such
18 terms of peace as offered later were more difficult to
19 be accepted?

20 A The negotiations through the good offices
21 of the German ambassador, Mr. Trautmann, were conducted
22 just prior to the fall of Nanking and my recollection
23 is that though the terms were made, the terms were
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1 relaxed. It was not heavy -- later terms; the later
2 terms were relaxed, if anything, but not heavier or
3 more strict.

4 Q Do you also recollect that the terms of
5 peace offered after the fall of Nanking were required
6 by Japan to be accepted before the end of the year?

7 A There is no such fact.

8 Q You have stated in your affidavit that you
9 helped Wang Ching-wei continuously in his movement
10 of establishing the Central Government?

11 THE COMMISSIONER: Mr. Roberts.

12 MR. ROBERTS: May I ask that the prosecution
13 when he refers to the affidavit please give us the
14 page so that we can follow him easily.

15 JUDGE NYI: That is page 1, middle of page 1.

16 Q Are you familiar with the other new regimes
17 before the establishment of the Central Government?

18 MR. ROBERTS: I want to object to the
19 question because I believe it is outside the scope
20 of the examination.

21 JUDGE NYI: If your Honor please--

22 THE COMMISSIONER: You need not reply. The
23 question is well within the field of the affidavit
24 and is to be answered.

25 Q Please answer the question.

A Yes, I know.

1 Q Did you participate in the formation of
2 the so-called Ta-Tao Shanghai Municipal Government?

3 A No.

4 MR. ROBERTS: Will you please inform the
5 witness that when I stand up not to answer the question
6 until the ruling is made by the Court?

7 JUDGE NYI: Your Honor, may I have the
8 witness be shown exhibit No. 463-A, on page 5. This
9 is a document purporting to establish Provisional
10 Government at Peking and Restoration Government at
11 Nanking, and in that document it was clearly stated
12 that Colonel KAGESA of the headquarters of the General
13 Staff had been consulted in the formation of this
14 Ta-Tao Shanghai Municipal Government.

15 MR. ROBERTS: I would like to receive a copy
16 of the document first.

17 THE COMMISSIONER: Is it an exhibit?

18 MR. ROBERTS: Yes, it is an exhibit.

19 THE COMMISSIONER: Then you should have a
20 copy.

21 MR. ROBERTS: I was not informed that they
22 were going to refer to it.

23 THE COMMISSIONER: What is the exhibit number?

24 JUDGE NYI: 463-A, page 5, section 1. I may
25

read the first sentence?

1 THE COMMISSIONER: May I interpose? You
2 have it in Japanese? Very well. You have it in
3 Japanese; it may be shown the witness.

4 JUDGE NYI: May I proceed to read?

5 THE COMMISSIONER: Yes.

6 BY JUDGE NYI (Continued):

7 Q "With regard to the above government, it is
8 reported that Colonel KUSUMOTO of the office of Embassy
9 Military Attache and Colonel KAGESA of the Headquarters
10 of General Staff had consulted with each other and
11 helped towards its formation." Why did you say that
12 you had no part in it?

13 A I did not participate.

14 MR. ROBERTS: I object to the question
15 because it is not shown in this exhibit that the
16 witness said anything. It is stated, "it is reported"
17 and does not purport to be a statement from this wit-
18 ness.
19

20 THE COMMISSIONER: That is not a proper
21 objection. That is a comment that you could make at
22 a later stage of the trial. That is not a proper
23 objection. The question was properly put and has been
24 answered.

25 Q As this is an official document, will you

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1 give some explanation why you say that you did not
2 participate in this government?

3 A May I first have this official document
4 explained -- why this is an official document?

5 Q This is an exhibit. The original is --

6 THE COMMISSIONER: It will shorten it,
7 perhaps, Mr. Nyi, if you tell the witness what the
8 origin of the document is and explain to him why you
9 say it is an official document.

10 JUDGE NYI: The certificate shows that it
11 is part of the Part V, China Incident, and it is part
12 of the records of the General Affairs Section, General
13 Affairs Bureau of the Foreign Ministry of Japan.

14 Q Does that refresh your mind?

15 A As an officer in the General Staff Head-
16 quarters I received reports -- I received a report
17 with regard to the manner in which the Ta Tao
18 Municipal Government was set up, administrative
19 government was set up, but I did not participate in
20 the establishment of that government.

21 Q But you were consulted, were you not and helped
22 toward its formation?

23 A I received a report with regard to the
24 formation of this government and I saw this govern-
25 ment after its formation on the spot but never at any

1 time participated positively in the establishment
2 of this government.

3 THE MONITOR: Slight correction there: I
4 received a report about this and learned that the
5 government, the administrative government, was set
6 up on the spot in the field; however, I have never
7 taken direct part in the forming of it.

8 Q It is only the direct part that you deny
9 to take, is that right?

10 A Yes.

11 Q Do you know as a fact that the day after
12 the fall of Nanking, that is on the 14th of December,
13 1937, the Provisional Government was already estab-
14 lished in Japanese-occupied Peking?

15 A Yes.

16 Q Then the formation of the Provisional
17 Government in Peiping had been planned long before
18 the fall of Nanking, was it not?

19 A I think it is possible to interpret it that
20 way. You may interpret it that way.

21 Q Do you know who was the head of this
22 Provisional Government?

23 A Wang Keh-min.

24 Q Do you know that Wang Keh-min was at first
25 in Hong Kong and he was instructed by KITA and IMAI

1 to proceed north and set up this Provisional Govern-
2 ment?

3 A Unfortunately I do not know of the manner
4 in which Wang proceeded north or the circumstances
5 surrounding his going to the north.

6 Q In the middle of page 2 of your affidavit,
7 in the middle of the page you say that Japan intended
8 to accomplish the peace between the two countries
9 "in some other way." What was the "some other way"?

10 A With regard to that the Japanese Government--
11 the government on its part had no proposal and among
12 those concerned each had their own, each had its
13 own proposal. As far as the government was concerned
14 it had not received -- arrived at any definite plan
15 on what method to take or what procedure to take.

16 Q But you seem to be very definite about it.
17 In this paragraph which I have referred to you say
18 that the Japanese would have nothing to do with the
19 National Government and they want to accomplish the
20 same purpose "in some other way."

21 What was this "some other way" you had in
22 mind when you wrote this affidavit?

23 THE COMMISSIONER: Yes, Mr. Roberts.

24 MR. ROBERTS: So that there shall be no
25 misunderstanding I would like to request that the two

1 preceding sentences be read to the witness so that
2 the thought may be connected.

3 THE COMMISSIONER: You had better do that,
4 Mr. Nyi.

5 Q Referring to your affidavit you say that--

6 THE COMMISSIONER: Please read the two
7 preceding sentences.

8 MR. ROBERTS: Or the beginning of the
9 paragraph. It would be better to read the whole
10 paragraph.

11 JUDGE NYI: Yes.

12 Q You say, beginning of the paragraph: "Upon
13 receipt of the National Government's reply of the
14 14th of January the Japanese Government drew the
15 conclusion that the Chinese Government had no sin-
16 cerity in the peace negotiations between China and
17 Japan and announced on January 16 that henceforth it
18 would have nothing to do with the National Government.
19 It was not because the Japanese Government abandoned
20 all hopes for an overall peace between China and
21 Japan. Japan was very eager for it and gave up the
22 peace effort with the National Government which was
23 judged to be unfaithful to the idea of general peace.
24 She intended to accomplish the same purpose in some
25 other way."

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1 (End of reading.)

2 THE PRESIDENT: We will recess for fifteen
3 minutes.

4 (Whereupon, at 1045, a recess was
5 taken until 1100, after which the proceed-
6 ings were resumed as follows, the Honorable
7 Mr. Justice McDougall, Member from the
8 Dominion of Canada, not sitting:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: The accused TOGO, with the
4 permission of the Tribunal, is conferring with his
5 counsel and will continue to do so until the end
6 of this session at noon.

7 The decision on the recess question this
8 morning was a majority decision.

9 Judge Hsiang.

10 JUDGE HSIANG (reading continued):
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1 What was this "some other way" which
2 seemed to be very definitely in your mind?

3 A The statement of the 16th of January is
4 the KONOE statement. Prince KONOE may have had
5 some other way but as far as I was concerned the
6 "some other way" was an extremely vague matter and
7 since I had nothing concrete in mind I just simply
8 used this expression, "some other way."

9 THE COMMISSIONER: Doctor, we are going on
10 until twelve. Ordinarily we take a short adjournment
11 at this time but as we started late I would not pro-
12 pose to take it unless you think the witness' condi-
13 tion makes it desirable that we should. What do you
14 say about it?

15 THE INTERPRETER: The witness does not
16 require recess at this time.

17 THE COMMISSIONER: Very well, we will
18 continue.

19 BY JUDGE NYI (Continued):

20 Q Was it already intended at that time to set
21 up new regimes in various regions occupied by Japanese
22 troops and the peace would be sought through these
23 new regimes instead of the Nationalist Government?

24 A Is the question whether the peace was to be
25 sought through established regimes?

1 Q New and established regimes.

2 A Among "some other way" as I remember there
3 was one plan which sought to make -- sought for peace
4 through already established regimes.

5 Q Was it the policy of Japanese Government
6 at that time to have separate regimes rather than
7 to have a centralized government?

8 A Japan's foremost desire vis-a-vis China
9 was the establishment of a government which was
10 strong and unified and friendly to Japan, and one
11 of Japan's foremost wishes was that the National
12 Government at that time change its attitude to one
13 of friendship toward Japan.
14

15 Q Was it the policy of Japan that although a
16 central government should be set up under its aus-
17 pices, that separate regimes, the local regimes,
18 would still be maintained?

19 A Japanese policy had not advanced to such a
20 concrete stage. The Japanese ideas were in some
21 measure expressed during the Wang Ching-wei-ITAGAKI
22 conversation.

23 Q Now, as to the "some other way" which we
24 have just asked, you have recalled one instance. Do
25 you recall any other instance or any other way?

A Yes, the plan that I had as Chief of the

KAGESA

CROSS

1 Military Affairs Section may be considered one pro-
2 posal.

3 Q In the last paragraph of page 2 you men-
4 tioned the visit of Mr. Kao Tsung-wu and another
5 gentleman from China in the spring of 1938. How did
6 they come over since the two countries were virtually
at war with each other?

7 A A friend of mine in Shanghai, a refined and
8 well-known cultured gentleman, was very much taken
9 over by the enthusiasm, fire and zeal of Kao Tsung-wu
10 and arranged with the Japanese army to have him
11 transported to Japan and an airplane was provided
12 for the purpose.

13 Q So it wouldn't be possible for him to come
14 over without the help of the Japanese army, would it?

15 A Yes, that is so.

16 Q Was their visit previously informed to the
17 Japanese authorities?

18 A He came to see me.

19 Q That is not an answer to my question.

20 (Whereupon, the question was repeated
21 by the interpreter.)

22 A The advance notice came only to me as an
23 individual.

24 Q So the Japanese Government was not informed
25

KAGESA

CROSS

1 previously; only you were informed previously, was it?

2 A The government had nothing to do with it.
3 It was only to me that this advance notice came.

4 Q What was your position at that time?

5 A Chief of the Military Affairs Section, War
6 Ministry.

7 Q Could you direct an airplane to be ready --
8 to be prepared for his transportation and the taking
9 of a foreigner whose country was virtually at war
10 with your country without the government having any
11 knowledge of it?

12 A I did not provide the airplane. The airplane
13 was provided by the Japanese army which had then ad-
14 vanced into China or was stationed in China.

15 Q But the army was acting not in its private
16 capacity in sending him over, did they?

17 THE COMMISSIONER: The result will be
18 obtained if you ask whether the visit was to the
19 witness in his official capacity. That is really what
20 you want to know, isn't it?

21 JUDGE NYI: Yes.

22 THE COMMISSIONER: Very well, ask him in
23 that way.

24 THE INTERPRETER: Your Honor, does the
25 "official capacity" refer to the witness or to the

KAGESA

CROSS

1 Chinese?

2 THE COMMISSIONER: Referring to the witness,
3 in the witness' official capacity.

4 THE WITNESS: To me as an individual, not
5 in my official capacity.

6 Q What was the name of the Japanese, cultured
7 Japanese, whom you just mentioned?

8 A Mr. MATSUMOTO, Shigeharu, of the Domei
9 News Agency.

10 Q And it was this gentleman who arranged for
11 this transportation?

12 A Yes, he negotiated with the army and gave
13 his good offices in having a plane provided.

14 Q Were you notified before he actually started
15 on his voyage?

16 A I had a telegram from Mr. MATSUMOTO.

17 Q And did you know this gentleman, Mr. Kao
18 Tsung-wu before?

19 A Yes, I had met him once before in 1932.

20 Q Was the object of their visit made known to
21 you before they came -- before Mr. Kao came?

22 A That was unknown; it was unknown to me.

23 Q But you did receive an advance telegram
24 telling you that he was coming?

25 A Yes.

1 Q What were their respective positions in
2 the Chinese government at that time -- Mr. Kao and
3 the other gentleman?

4 MR. ROBERTS: I believe the information is
5 contained in the affidavit and would be repetitive.

6 THE COMMISSIONER: The witness must answer
7 the question.

8 A Mr. Kao Tsung-wu was former Director of the
9 Bureau of Asiatic Affairs of the Foreign Ministry of
10 the National Government of China.

11 Q Was he holding any position at that time?

12 A That I do not know well. I am not familiar.

13 Q You have just stated that you met him as an
14 individual but on page 2, seventh line from the bottom
15 you say, "I met them in the capacity of Chief of the
16 Chinese Section of the Military Affairs Bureau."

17 A Mr. Kao Tsung-wu and his colleague came to
18 see me as an individual and I met him as an individual;
19 but after talking with him and the subject of general
20 peace came up, then my position changed from that of
21 an individual to that of an official and in that
22 capacity reported my information gathered from the
23 Chinese to my superior officers.

24 Q How did your capacity change? Do you suggest
25 that you were authorized by some government individual,

KAGESA

CROSS

1 high government officer, that you should conduct
2 negotiations with him?

3 A Having had no authorization or order when
4 I met him, I met him as an individual and he was
5 introduced to me as an individual. After the talk
6 I became cognizant of the fact that this related to
7 the question of general peace between Japan and
8 China, and having learned from these emissaries that
9 they were in positions of influence and that their
10 plan was an acceptable and effective one to use as a
11 reference, I reported the contents of my conversation
12 with them in my official capacity, recommending that
13 something be done in carrying these talks through.

14 Q To whom did you make the recommendation?

15 A To the Chief of the Second Division of the
16 Army General Staff Headquarters, Lieutenant General
17 HOMMA and General TADA, Vice Chief of the Army
18 General Staff.

19 Q And what was their reaction?

20 A They had no objections with respect to the
21 matters set forth in the affidavit.

22 Q Did you discuss the topic of general peace
23 with Mr. Kao?

24 A All questions discussed related to that of
25 general peace.

KAGESA

CROSS

1 Q But you did not know exactly what was his
2 official position at home, did you?

3 A No, I did not know.

4 Q How could you conduct negotiations with an
5 individual whom you never knew before and whose
6 official capacity was unknown to you?

7 A They were not negotiations but there should
8 be no hesitation to anybody who is desirous of bring-
9 ing about peace between Japan and China to engage in
10 such discussions, whether in his private capacity or
11 in his official capacity.

12 Q Would it be very useful to spend your
13 time discussing with an individual about peace--
14 talks on general peace?

15 A Yes, all the value in the world. I would
16 welcome hundreds, thousands of such visits. The
17 more the better. I am sorry that there weren't that
18 many.

19 Q And the army at Shanghai thought it worth-
20 while to bring him by a special plane?

21 A Yes, I suppose that is what the army on the
22 spot thought.

23 Q How many army planes were available for such
24 purposes?

25 A When not in use there were many planes, any

KAGESA

CROSS

number of planes.

1 Q You stated in the first paragraph on page
2 3 that the Japanese government seemed to have no
3 particular objections to Mr. Kao's plan; now, by the
4 term, "the Japanese government," what particular
5 individuals were you referring to?
6

7 A Vice Chief of the Army General Staff TADA
8 reported to the Minister of War, the War Minister
9 reported to the Five Ministers' Conference, and no
10 one entertained any objections.

11 Q Was ITAGAKI the War Minister at that time?

12 A General SUGIYAMA.

13 Q And who was the Foreign Minister at that time?

14 A I don't remember just at this moment.

15 Q Was it HIROTA?

16 A I can't make a positive reply to that
17 question.

18 Q You say that they entertained no objection
19 to it. Do you mean that they favored Mr. Kao's plans
20 of general peace?

21 A No, that there was no opposition, no
22 objection to the plan.

23 Q Did they stop only there and didn't go any
24 further?
25

 A Yes, that is so.

KAGESA

CROSS

1 Q On page 3, the second paragraph, you stated
2 that, "After that, however, the Japanese did not make
3 any positive overtures to Mr. Wang Ching-wei." By
4 saying, "after that," do you suggest that before then
5 the Japanese had made frequent overtures to Mr. Wang
6 Ching-wei?

7 A Before that we had not heard about Mr. Wang
8 Ching-wei and we heard about it only then. I mean
9 that since then no positive overtures were made.

10 Q But you have just stated that you have met
11 thousands of men, talking about peace?

12 A You misunderstood my reply. Your question
13 was, wasn't it useless to see such an individual, and
14 my reply to that question is that I would have wel-
15 comed hundreds, yea thousands of such persons. I
16 would have welcomed all of them for such talks.

17 Q You didn't actually see hundreds or thousands
18 of them?

19 A No, not actually; only two.

20 Q Only two, Mr. Kao and Mr. Tung Tao-ning?

21 A Yes, only those two.

22 Q You have never met anyone during the forma-
23 tion of the Ta-Tao Shanghai Municipal Government?

24 MR. ROBERTS: May I object at this time
25 because I believe that question has been answered

fully.

1 THE COMMISSIONER: I think the question
2 ought to be answered. The objection is overruled.

3 A As I have said before I did not participate
4 in the establishment of the Ta-Tao Administrative
5 Government but I did meet--

6 Q No, you just stated that you have met only
7 two persons and you talked to them about peace. I
8 am not asking about the mayor, the supposed mayor.
9 I know who he was. You just stated--

10 THE COMMISSIONER: Let the witness answer
11 the question.

12 Q Now you say that you have only met these
13 two persons and talked peace with them. My question
14 is, during the time when the Ta-Tao government was
15 being organized have you met any other Chinese and
16 talked about peace with them?

17 A Yes.

18 Q Then it is not true. You say you only met
19 two -- then you at least have met three?

20 A Yes, only two in Japan proper with regard
21 to peace but once during a trip that I made to Shanghai
22 I received a visitor whose name I do not remember, and
23 since his discussion about peace did not amount to
24 much I did not give it any importance and therefore
25

KAGESA

CROSS

1 I did not state it in my affidavit.

2 Q When did you go to Shanghai?

3 A I think about September 1937.

4 Q In the middle of page 3 you mention IMAI
5 of the General Staff and you say that he happened to
6 go to Shanghai on official business. Do you know
7 what was his mission?

8 A I do not know well.

9 Q Was he sent there to contact the Chinese
10 interested in the so-called peace movement for the
11 establishment of a pro-Japanese regime, do you recall?

12 A I do not think that was his assignment.

13 Q Was he in any way connected with the work
14 on Tang Shao-yi?

15 A Yes, I have heard of Tang Shao-yi peace
16 movement but I do not know who joined or participated
17 in that movement because this was outside of my own
18 duties.

19 Q Was he, IMAI, in any way connected with
20 this?

21 A I do not think he had any connection.

22 Q Do you know what was the result of the work
23 on him -- Tang Shao-yi?

24 A Yes, I know that in the end Tang Shao-yi was
25 assassinated and therefore his peace movement collapsed

KAGESA

CROSS

as a result.

1 Q In the last paragraph on page 3 you stated
2 that the Central military authorities made some
3 amendments to the plan proposed by Mr. Kao and Mr.
4 Mei Ssu-ping. Now, who are the individuals involved
5 in this when you refer to the Central military
6 authorities?

7 A The officers concerned in the Army General
8 Staff and the War Ministry.

9 Q Who was the Chief of Staff at that time?

10 A Prince KAN-IN.

11 Q And who was the War Minister?

12 A General ITAGAKI was War Minister.

13 Q Were you in the year of 1938 Chief of the
14 Chinese Section of the Headquarters of the General
15 Staff?

16 A Yes, up to June, 1938.

17 THE INTERPRETER: Witness said: I wish to
18 make a correction. I was in that position up to
19 April.

20 Q On page 2, section 4, you say that you met
21 them in the capacity of Chief of the Chinese Section
22 of the Military Affairs Bureau. Should it read, "the
23 Headquarters of General Staff"? Was there any mistake
24 in it?
25

KASEGA

CROSS

1 A It should be corrected to the General Staff
2 Office.

3 Q Who was the Vice Chief of Staff at the time
4 when you say some amendment was made to the plan pro-
5 posed by Mr. Kao and Mr. Mei?

6 A Lieutenant General TADA.

7 Q Who was the Vice Minister of War at that time?

8 A Lieutenant General TOJO.

9 Q Was this plan proposed by Mr. Kao and Mr. Mei
10 ever referred to the civil authorities of the Japanese
11 government?

12 A I recall that the matter was reported by
13 the Minister of War to the Five Ministers' Conference.

14 Q On page 3, the third line from the bottom, you
15 say that Mr. Kao and Mr. Mei gave you opinions con-
16 taining some desires on the part of China, the third
17 line from the bottom of page 3. Do you mean to say
18 that their opinions can represent opinions of China,
19 desires of China, when you do not know their official
20 position even? How do you explain that?

21 A Whatever may be the position held by the
22 Chinese, if the proposal advanced by them is reasonable
23 it was our belief that proper measures should be taken
24 to meet them. That is why I stated that I would have
25 welcomed hundreds or thousands of Chinese so that we

1 would be able to understand what desires and views
2 were entertained by the people of China.

3 Q But you didn't know exactly whether Mr. Kao's
4 and Mr. Mei's views would represent the Chinese view,
5 did you?

6 A No, I cannot say so.

7 Q So how could you put it in the affidavit
8 that they represented the desires of the Chinese?

9 A Because both of these gentlemen were Chinese.
10 That is why I said "Chinese".

11 Q You mean these are the desires of these two
12 particular Chinese -- not the Chinese in general?

13 A That is what I mean, but it was clear and
14 definite that these men had connections with Mr. Wang
15 Ching-wei.

16 Q Who gave you and Colonel IMAI orders to go
17 to Shanghai on November 19, 1938?

18 A The order to me was issued by the War Minister
19 after consultation by the War Minister at the Five
20 Ministers' Conference.

21 Q And who sent IMAI, Colonel IMAI?

22 A The Vice Chief of Staff of the General
23 Staff ordered Colonel IMAI to go to Shanghai with me
24 at my recommendation in which I stated that inasmuch
25 as I was going as a representative of the War Ministry

KAGESA

CROSS

1 there should be one representative from the General
2 Staff Headquarters.

3 Q Did SATO, the Chief of the Military Affairs
4 Bureau, know anything about your appointment?

5 A The Director, Chief of the Military Affairs
6 Bureau was Lieutenant General KACHIJIRI.

7 Q And not SATO?

8 A No, not SATO. SATO is below me in rank or
9 was below me in rank.

10 Q What was the scope of your assignment?

11 A My assignment was to transmit to the
12 Chinese terms which the Chinese desired.

13 Q Merely to transmit desires -- did you say
14 that you went to transmit the terms which the Chinese
15 would desire?

16 A Maybe it was my poor expression; maybe it
17 is the fault of the interpreter, I do not know. I
18 meant to say that there was a desire on the part of
19 the Chinese to hear the Japanese terms and therefore
20 I went to convey these terms.

21 Q And was there any discussion on these terms?

22 A Of course, there was some discussion but my
23 assignment was to transmit the terms, the Japanese
24 terms, which the Chinese desired to know and also to
25 listen to the desires of the Chinese and bring those

KAGESA

CROSS

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19 the Chinese to hear the Japanese terms and therefore
20 I went to convey these terms.

21 Q And was there any discussion on these terms?

22 A Of course, there was some discussion but my
23 assignment was to transmit the terms, the Japanese
24 terms, which the Chinese desired to know and also to
25 listen to the desires of the Chinese and bring those

KAGESA

CROSS

1 desires back to Japan and transmit them to the proper
2 authorities here.

3 THE MONITOR: Therefore, "to transmit the
4 messages and to listen to their desire" would be the
5 better expression than to use the word "discussion."

6 Q You say that there was some discussion, was
7 there?

8 A Yes.

9 Q What were the points--

10 A But the point I am making is that that
11 discussion was not the object. The object of my
12 assignment was to convey the Japanese terms to the
13 other party and to carry back the desires of the
14 other.

15 Q Yes, I know that you told us that the
16 mission was to convey and then to take back views
17 of the Chinese but you say that there was naturally
18 some discussion. Now what I want to know is, what
19 are the points that you discussed with Wang's
20 followers?

21 A That principally dealt with the question of
22 withdrawal or evacuation of troops.

23 Q Discussed the evacuation of troops with
24 these two Chinese whose official position was not yet
25 known to you?

1 A I did not know their official position but
2 as I have said before they were connected with Wang
3 Ching-wei.

4 Q And what was Wang's position at that time?

5 A Vice Chairman of the Kuomintang and also
6 Vice Chairman of the National Defense Council, as I
7 recall.

8 Q Was that all?

9 A As to some other aspects all I know is that
10 he was the number two man in China, the number two
11 big man in China.

12 Q And you took it that he had the power to
13 send his followers to discuss with you about evacua-
14 tion of troops and the military situation in the
15 occupied areas?

16 A N o, that is not so. Wang Ching-wei was a
17 patriot entertaining ardent desires to realize the
18 ideal of a general peace and tranquillity in China,
19 and in order to realize the peace movement one import-
20 ant condition would be, "What did Japan desire of
21 China?" And because these gentlemen had connections
22 with Mr. Wang Ching-wei I listened to the views con-
23 veyed to me by Mr. Kao Tsung-wu and Mei Ssu-ping.

24 Q Was there any agreement between you and Kao
25 and Mei regarding the situation, the military situation

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1 in China?

2 A What do you mean by military situation?

3 Q Evacuation of troops, and so forth, but
4 you just suggested it.

5 A Yes, there was agreement of views.

6 Q And was the commander of the Central China
7 forces advised about these views, the exchange of
8 views?

9 A Had no connection whatsoever.

10 Q Who was the commander of the Central China
11 forces at that time?

12 THE MONITOR: Is that Expeditionary Force
13 or Area Army?

14 JUDGE NYI: Expeditionary Force.

15 A I recall the Commander in Chief as being
16 Lieutenant General YAMADA but I may be wrong.

17 Q YAMADA, Commander in Chief?

18 A YAMADA, Otozo. At that time there was no
19 supreme headquarters.

20 Q Was it HATA?

21 A No, it was not General HATA. The supreme
22 headquarters was not established until the spring of
23 1940.

24 Q Who was the successor of MATSUI as Commander
25 in Chief of the Central China Expeditionary Forces?

KAGESA

CROSS

1 A My memory is not clear on that. I have
2 forgotten.

3 Q On the top of page 4 you say that the
4 Chinese proposed that Mr. Wang escape from Chungking
5 according to a pre-arranged plan. What was this pre-
6 arranged plan?

7 A May I be permitted to speak of this matter
8 in detail? At length?

9 Q Just sufficient to let us understand.

10 A On November 11, 1937 Wang Ching-wei had a
11 conference with General Chiang Kai-shek, and Mr. Kao
12 Tsung-wu was present at that conference.

13 THE MONITOR: This is 9th of November.

14 A (Continuing) At that time Wang Ching-wei
15 very strongly explained to General Chiang Kai-shek
16 the advantages and disadvantages of war and peace but
17 because Chiang Kai-shek did not lend him an ear Mr.
18 Wang came to the conclusion that there were no --
19 that there would be no results achieved by carrying
20 on a peace movement within Chungking and that the
21 only alternative for him was to escape from Chungking
22 to the outside in order to carry on this movement.
23 That story was published in the Nan Hua Jih-pao of
24 January 15, 1938. That is the name of a newspaper.
25 At that time Chungking was more or less surrounded

KAGESA

CROSS

1 and influenced by the communists, and General Chiang
2 Kai-shek himself had no power of initiative, could
3 not act on his own and such being the case it was
4 impossible to irradicate the influence of communism
5 in Chungking, but that mission could be taken only
6 outside of Chungking. These facts are to be found
7 in Mr. Wang Ching-wei's essays entitled, "For an
8 Example," published on March 27, 1939, and also in
9 his essay on "The Concept of Sino-Japanese Relations
10 and their Future Objective," published on July 6,
11 1939.

12 Q Just wait a minute. My question is, tell us
13 what was the pre-arranged plan. I am not asking you
14 about the conditions in Chungking nor Wang Ching-wei's
15 views or his published articles.

16 A Such being the situation within Chungking
17 Wang Ching-wei entertained the idea that he must,
18 at least before the 9th of November, that he must
19 escape from Chungking.

20 THE MONITOR: Slight correction: Such
21 being the case and Wang Ching-wei having had this
22 desire to escape from Chungking it is clear that even
23 as early as 9th of November he already had a plan to
24 escape from Chungking.

25 A (Continuing) This is what I mean by pre-

KAGESA

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1 arranged plan.

2 THE COMMISSIONER: We will take an adjourn-
3 ment now. We will adjourn now until 1:30.

4 (Whereupon, at 1200, a recess was
5 taken.)
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1 AFTERNOON SESSION

2
3 The Commission met, pursuant to recess,
4 at 1330.

5 THE COMMISSIONER: Are you ready to proceed,
6 Mr. Nyi?

7 JUDGE NYI: Yes.

8 - - -

9 S A D A A K I K A G E S A, called as a witness on
10 behalf of the defense, resumed the stand and
11 testified through Japanese interpreters as follows:

12 CROSS-EXAMINATION

13 BY JUDGE NYI (Continued):

14 Q Witness, just before the recess we were
15 asking you what was the pre-arranged plan. You may
16 explain to us to some extent what this pre-arranged
17 plan was. Now my question is, when the Chinese pro-
18 posed to you that they were carrying out this pre-
19 arranged plan was this pre-arrangement known to you
20 before?

21 A I did not know about it at all.

22 Q Then what was the use of the Chinese to tell
23 you that they want to carry out this pre-arranged plan
24 since they conceived it and they wanted to carry it
25 out?

KAGESA

CROSS

1 A This was spoken of after the escape was made
2 by Mr. Wang in accordance with the pre-arranged plan
3 in order to have announced Japan's policy vis-a-vis
4 China.

5 THE MONITOR: Slight correction: They
6 mentioned this pre-arranged plan in here because
7 they wanted the peace terms to be announced after
8 Mr. Wang escaped from Chungking as per pre-arranged
9 plan. That is the reason that this word was used in
10 that statement.

11 Q But it was agreed between you and the two
12 Chinese gentlemen that when they carried out this pre-
13 arranged plan of escape from Chungking the Japanese
14 government would be expected to announce the terms
15 of peace?

16 A Yes.

17 Q So did you inform your government that the
18 Chinese would expect an announcement of the Japanese
19 government with regard to the terms of peace?

20 A Yes.

21 Q So the KONOE statement of December 22, 1938
22 was prepared in view of the proposed escape of Wang
23 to Hanoi, was it?

24 A Yes. I have stated in my affidavit if Mr.
25 Wang escaped they would like to have such a plan

KAGESA

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1 announced.

2 Q When was Wang's response to KONOE's statement
3 made?

4 A December 29.

5 Q And that was also pre-arranged, was it?

6 A I have not heard what the contents of the
7 announcement would be.

8 Q Did it ever come to your knowledge that
9 Wang's response was made on a previously arranged
10 scheme in order to give the Chinese views with re-
11 spect to KONOE's statement?

12 A I have not heard of it and I have never
13 known of it.

14 Q On page 6, paragraph 8, you refer to the
15 Five Ministers' Conference which decided to send you
16 to see Mr. Wang Ching-wei. Do you recall when was
17 this conference held?

18 A I do not remember the date but it was in the
19 latter part of March.

20 Q And do you know who recommended you to do
21 this job?

22 A I recommended myself for the assignment.

23 Q How was that done?

24 A I proposed to War Minister ITAGAKI that I
25 should like to take the assignment.

KAGESA

CROSS

1 Q In paragraph 8 on page 6 you say that you
2 were sent to see Wang and assist him to reach a
3 safety zone. Did the instructions specify what
4 would be a safety zone?

5 A I was ordered by War Minister ITAGAKI that
6 all things should be determined at the initiative of
7 Mr. Wang himself.

8 Q But the order, you say, did instruct you
9 to assist him to reach a safety zone?

10 A Yes.

11 Q What would be the safety zone to construe
12 the meaning of the instructions?

13 A By safety zone is meant a zone where it
14 would be most convenient and safe to carry on and
15 promote a peace movement, and not a place like Hanoi
16 where the very life of Mr. Wang was endangered by
17 the infiltration of assassins from Chungking.

18 Q Was it intended that the Japanese-occupied
19 territory would be a safety zone for him?

20 A At that time the Japanese idea was that it
21 would be most inconvenient for Mr. Wang to come to
22 a Japanese safety zone in order to carry out his
23 peace movement and that some area outside of such a
24 zone would be more preferable. However, the decision
25 was left to Mr. Wang himself.

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1 Q And what was done afterwards with regard
2 to this place where Mr. Wang was to go?

3 A The place decided upon was Shanghai in
4 accordance with Mr. Wang's own desire.

5 Q With regard to your trip to French Indo-
6 China, was previous information given to the Japanese
7 consular authorities there?

8 A Yes.

9 Q Was it a fact that secret code terms were
10 used to hide your identity during this trip?

11 A Yes, that is a fact.

12 Q And did you send a telegram back through the
13 Chief of Staff of the Formosan army soon after your
14 arrival at Hanoi and saying that everything was going
15 on favorably?

16 A Telegrams were sent direct from Hanoi but
17 it may have been that this telegram, a telegram or
18 telegrams were routed through Formosa.

19 Q So you do recall that several telegrams were
20 relayed through the Formosan army?

21 A I do not recall any such. All that I recall
22 is that telegrams sent direct from Hanoi to Tokyo
23 were for technical reasons sent through Formosa.
24 These may have been sent through Formosa for technical
25 reasons.

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1 JUDGE NYI: At this juncture, your Honor,
2 the prosecution will produce a number of telegrams
3 sent by the witness to his home authorities between
4 the period April 19 to May 30, 1939. They were
5 either sent directly from Hanoi or relayed through
6 the Formosan army. These telegrams together with
7 many others were obtained from the Japanese Foreign
8 Office. They will tell the story of how --

9 THE COMMISSIONER: It is not proper to say
10 what they will do. Put the telegrams and we will
11 see what story the telegrams will tell.

12 JUDGE NYI: We wish to have them identified
13 by the witness since they have been sent by him.

14 THE COMMISSIONER: You are entitled to tender
15 the telegrams to him and get him to identify them as
16 ones he sent.

17 MR. ROBERTS: Are the copies available for
18 the defense?

19 JUDGE NYI: Yes.

20 MR. ROBERTS: May I ask, are these in evidence
21 or just that you are expecting to put them in at a
22 later date?

23 THE COMMISSIONER: Counsel has indicated that
24 he proposes to put them in now through this witness,
25 as he is entitled to do.

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1 JUDGE NYI: We will first have them marked
2 for identification and then we will decide later
3 whether we want to put them in evidence.

4 MR. ROBERTS: Yes.

5 JUDGE NYI: We will first ask the witness
6 to identify the prosecution's No. 1005-4, which is a
7 telegram sent by the witness using his pseudo name
8 KAWAMURA. That is the secret code name, "KAWAMURA."

9 THE COMMISSIONER: Instead of making that
10 announcement the proper thing to do is to ask him
11 whether that is a telegram sent by him and whether
12 he did use that name.

13 MR. ROBERTS: I was about to request that
14 the statement made by counsel characterizing the
15 document be stricken.

16 THE COMMISSIONER: That is quite unnecessary.
17 I have already dealt with it. Please do not waste
18 time.

19 MR. ROBERTS: May I see a copy, please, of
20 the document?

21 THE COMMISSIONER: Will the witness be good
22 enough to answer the question?

23 Q Will you answer whether this is a telegram
24 sent by you and under that name?

25 A Yes.

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1 THE COMMISSIONER: Very well. You tender
2 that as an exhibit, do you?

3 JUDGE NYI: We will have it marked for
4 identification.

5 THE COMMISSIONER: Why for identification?
6 Do you not desire to put it in as an exhibit?

7 JUDGE NYI: No, we will cross-examine him
8 on the contents thereof.

9 THE COMMISSIONER: But if he recognizes it,
10 acknowledges it as a telegram sent by him you are
11 entitled if you wish to tender it as an exhibit. I
12 do not quite understand why you offer it for identi-
13 fication.

14 JUDGE NYI: If your Honor please, we antici-
15 pate to tender them all at one time because all these
16 telegrams constitute one whole story.

17 THE COMMISSIONER: Very well. That document
18 then will be marked with the letter "B" at this stage
19 for identification.

20 (Whereupon, the document above referred
21 to was marked prosecution exhibit "B" for identi-
22 fication and is appended hereto.)

23 JUDGE NYI: And the next one will be
24 prosecution document 1005-6, which was also a telegram
25 sent under his name--

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1 THE COMMISSIONER: Ask him the question.

2 JUDGE NYI: And under this number--

3 THE COMMISSIONER: No, no. Please do not
4 describe it. Ask him the question whether that is a
5 telegram sent by him under that name.

6 JUDGE NYI: Under this number there are
7 three of them and I am going to ask him:

8 Q Witness, in this document there are three
9 telegrams sent in your name. Are these the telegrams
10 which you sent?

11 A I identify all of these.

12 JUDGE NYI: You sent.

13 THE COMMISSIONER: So that that can be
14 marked, you say there are three documents there.
15 Have they three separate prosecution numbers?

16 JUDGE NYI: We have only one prosecution
17 number.

18 THE COMMISSIONER: For those three?

19 JUDGE NYI: For the three.

20 THE COMMISSIONER: Very well. Then that
21 group of three telegrams will be marked with the
22 letter "C-1," "C-2," and "C-3," respectively. That
23 is for identification only.

24 (Whereupon, the documents above
25 referred to were marked prosecution exhibits

1 "C-1," "C-2," and "C-3," respectively, for
2 identification and are appended hereto.)

3 JUDGE NYI: The next document, No. 1005-8.
4 This is a document sent under the name of KAWAMURA--

5 THE COMMISSIONER: Please do not make an
6 announcement about it. It is much simpler and saves
7 time if you put it to the witness: Is this a document
8 saying so and so.

9 BY JUDGE NYI (Continued):

10 Q Was this document, telegram, sent by you?

11 A Yes.

12 Q The next one will be No. 1005--

13 THE COMMISSIONER: Just one moment. That
14 document just tendered, that is 1005-8, is it?

15 JUDGE NYI: Yes.

16 THE COMMISSIONER: That will be marked with
17 the letter "D" for identification.

18 (Whereupon, the document above
19 referred to was marked prosecution exhibit
20 "D" for identification and is appended hereto.)

21 Q The next one is document 1005-11. Was this
22 telegram sent by you -- under this number there are
23 two telegrams; were these two telegrams sent by you?

24 A The first one was sent by me; the second
25 one, no.

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1 Q The first and second are both signed "KAGESA"--
2 purported to be signed by "KAGESA;" only the third,
3 the last one, was not signed by you.

4 THE COMMISSIONER: Will the witness please
5 look at them again?

6 Q There are three altogether. We want you to
7 identify the first two.

8 A There are only two telegrams here. The one
9 on the right was sent by me but not the one on the
10 left.

11 THE COMMISSIONER: And the one on the front
12 page, was that sent by the witness?

13 THE WITNESS: Yes.

14 THE COMMISSIONER: Let us be clear. Does
15 that group then contain two telegrams sent by the
16 witness and a third telegram sent by somebody else?

17 THE WITNESS: I say that there are two tele-
18 grams, the first sent by me, the second not sent by me.

19 THE COMMISSIONER: Very well.

20 JUDGE NYI: Yes, we understand it. The first
21 sheet contains two telegrams and he said that he sent
22 one and two. Then this on this page--

23 THE COMMISSIONER: Let it be put to the
24 witness in the form of a question, not a statement
25 from you. You are asking him whether the first sheet

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1 contains on the front page a telegram sent by him,
2 on the back of that same page, another telegram sent
3 by him, and on the second sheet a telegram sent by
4 somebody else. That is your question?

5 JUDGE NYI: Yes.

6 THE COMMISSIONER: What do you say to that,
7 Witness?

8 JUDGE NYI: Is that right?

9 THE WITNESS: Yes.

10 THE COMMISSIONER: Very well. That document,
11 1005-11 will be marked with the letters "E-1," "E-2,"
12 and "E-3," for identification.

13 (Whereupon, the documents above
14 referred to were marked prosecution exhibits
15 "E-1," "E-2," and "E-3," respectively, for
16 identification, and are appended hereto.)

17 Q The next number is 1005-13. Was this
18 telegram sent by you?

19 A Yes.

20 THE COMMISSIONER: That document will be
21 marked with letter "F" for identification.

22 (Whereupon, the document above
23 referred to was marked prosecution exhibit
24 "F" for identification and is appended hereto.)

25 Q The next number is 1005-19. Was this

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telegram sent by you?

1 A This telegram was not drafted by me but
2 was sent by me. I am responsible for this telegram.

3 THE COMMISSIONER: That document will be
4 marked with the letter "G" for identification.

5 (Whereupon, the document above
6 referred to was marked prosecution exhibit
7 "G" for identification and is appended hereto.)

8 Q The next document is 1005-20. Was this
9 telegram sent by you?

10 A Yes.

11 THE COMMISSIONER: That document will be
12 marked with the letter "H" for identification.

13 (Whereupon, the document above
14 referred to was marked prosecution exhibit
15 "H" for identification and is appended hereto.)

16 JUDGE NYI: That is all that we will tender
17 at the present moment.

18 Q Witness, you testified that YANO went to Indo-
19 China with you on the Hokko Maru. That you stated on
20 page 6, end of paragraph 8. Was it a fact that he flew
21 to Shanghai from Tokyo and went to Indo-China by an-
22 other ship?

23 A What you have stated is a fact.

24 Q So what you have put on the affidavit that
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1 you went together with YANO on the Hokko Maru was
2 not a fact?

3 A That is a mistake.

4 THE COMMISSIONER: Let us be clear about that.
5 Does he mean it is a mistake on the part of counsel
6 or a mistake by him in his affidavit?

7 THE WITNESS: My affidavit is mistaken.

8 Q Was that steamer, Hokko Maru, especially
9 chartered for the purpose of your trip?

10 A Yes.

11 Q And who chartered it?

12 A Being on very intimate terms with Mr.
13 YAMASHITA, Kamesaburo I made the request to him and
14 he provided it by his generosity.

15 Q You were supposed to arrive at Hanoi on the
16 16th, were you, of April but you didn't arrive until
17 18th, was that right?

18 A I may have made a mistake by one or two
19 days in my affidavit.

20 Q But YANO was expected to join you in Hanoi
21 also on the 16th, was that right?

22 A I do not recall the date but it is a fact
23 that YANO arrived in Hanoi before me.

24 THE MONITOR: Slight addition: I do not
25 recall the date upon which we promised to meet in

1 Hanoi but it is a fact that YANO arrived at Hanoi
2 before me.

3 Q Was it a fact that the Foreign Ministry
4 sent instructions, urgent instructions, to the
5 consular authorities in Hong Kong to bring YANO to
6 Hanoi at the same time as you arrived at Hanoi?

7 A I have not heard of it.

8 Q Why didn't you come together on the same
9 ship?

10 A There is no special reason. It is merely
11 because YANO had the opportunity of going to Hanoi
12 by plane via Hong Kong.

13 Q Why was it that special instruction was
14 given that he should arrive at Hanoi on the same day
15 as you did? Was it because of the fact that he was
16 in charge of the secret codes?

17 A No.

18 Q When you met Wang Ching-wei at Hanoi did you
19 hand him letters from the Foreign Minister ARITA and
20 the War Minister ITAGAKI and the SUZUKI of the Koa-in?

21 A Yes and also a letter entrusted to me from
22 Navy Minister YONAI.

23 Q What were the code terms you used for your
24 trip? For instance, what was the code term used for
25 yourself?

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1 A At present I only recall that my name was
2 KAWAMURA but I do not recall other aspects of the
3 code. However, it was a very inferior and weak code.

4 Q Do you recall that the code term for Wang
5 Ching-wei was "cargo"?

6 A All I remember is that his name was not
7 "cargo." All I do remember is that his name was
8 not "cargo" or "freight."

9 Q Was it another name called TAKEUCHI?

10 A There may have been such a name as TAKEUCHI
11 but I have no recollection whether that was the name
12 given to Mr. Wang Ching-wei.

13 THE COMMISSIONER: What is the meaning of
14 the Japanese word you have just used?

15 JUDGE NYI: I don't know. It is a proper
16 name.

17 THE WITNESS: I think there was a name
18 "TAKEUCHI" but I do not know whether it applied to
19 Mr. Wang Ching-wei.

20 Q Do you recall he had some other name besides
21 that?

22 A I think there definitely was but these
23 events having taken place eight years ago I do not
24 remember.

25 Q Do you also recall that the code name for

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1 your ship, Hokku Maru, was "taxi"?

2 A I have forgotten that also.

3 Q Do you also recall that his residence in
4 Shanghai was given the name of a godown?

5 THE MONITOR: "His residence," you mean
6 Wang's?

7 JUDGE NYI: Wang's.

8 A Yes, it came to my recollection also that
9 godown was the code name for Mr. Wang Ching-wei's
10 hiding place in Shanghai when I glanced through the
11 telegram just handed to me.

12 Q Do you also recall that the code name for
13 Shanghai was "Osaka"?

14 A That, too, I do not remember.

15 Q Now, on page 7, under section 10, you related
16 your trip. When did you leave Hanoi?

17 A I recall that to be the 25th.

18 Q Did Wang Ching-wei leave on the same boat?

19 A No.

20 Q What ship did he take, did he go?

21 A No, I do not recall the name but it was a
22 rather small French ship which was chartered for him.

23 Q Did his ship start also on the 25th of April?

24 A Yes.

25 Q Did you plan beforehand that the two ships

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1 should meet on the high seas off the Nightingale
2 Island?

3 A I do not remember the name of the island but
4 it was south of the Island of Hainan, and the two
5 ships were to meet there and were to make the balance
6 of the voyage to Shanghai together.

7 Q On page 7 of your affidavit, the last four
8 lines, you stated that on the 28th you did receive
9 from Mr. Wang Ching-wei a communication to the effect
10 that he wanted to transfer to the Hokko Maru, and in
11 the same evening he changed ships presumably in the
12 offing northeast of Bias Bay. Did you suggest in the
13 affidavit that the idea of changing ships came from
14 Weng Ching-wei and not because of the pre-arranged
15 plan?

16 A That is what I mean.

17 Q But you just admitted that everything was
18 arranged before you started that he will come over to
19 your ship and not by the cable communication from his
20 ship.

21 A When did I admit that?

22 Q I asked you whether it was -- did you plan
23 beforehand that the two ships should meet on high seas
24 off Nightingale Island and you say that you do not
25 remember the name of the island but there was some

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1 place that you planned to meet.

2 A Yes, I said so.

3 THE PRESIDENT: We will adjourn now until
4 half past one.

5 (Whereupon, at 1200, a recess
6 was taken.)

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AFTERNOON SESSION

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2 The Tribunal met, pursuant to recess, at 1330,
3 Honorable Erima Harvey Northcroft, Member from the
4 Dominion of New Zealand, not sitting.

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Judge Hsiang.

8 JUDGE HSIANG: Reading:

9 A Yes, I said so.

10 Q Then there is some inconsistency between your
11 statement--

12 THE COMMISSIONER: That need not be answered.
13 You have established inconsistency. Why waste time
14 about it? Please go on to your next question.

15 THE WITNESS: I should like to state to your Hon-
16 or that there is no inconsistency. Perhaps there might be
17 some misunderstanding because of a mistake in expression.

18 THE COMMISSIONER: Very well, then the matter
19 had better be cleared up.

20 THE WITNESS: The plan was for both ships to
21 meet at some point south of the Island of Hainan and
22 to proceed to Shanghai side by side.

23 Q And that was the pre-arranged plan before you
24 started from Hanoi, was that right?
25

1 A At the time of the departure from Hanoi, I
2 have heard that although the plan was for both ships
3 to proceed side by side an occasion might arise be-
4 cause of navigation difficulties at which time it may
5 be necessary for Mr. Wang to change ships.

6 Q What were the navigation difficulties at
7 that time?
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1 A At the time of the departure from Hanoi, I
2 have heard that although the plan was for both ships
3 to proceed side by side an occasion might arise be-
4 cause of navigation difficulties at which time it may
5 be necessary for Mr. Wang to change ships.

6 Q What were the navigation difficulties at
7 that time?
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1 A Mr. Wang was on a ship, a very small ship,
2 with a displacement of nearly 700 tons and even a
3 slight storm would make it difficult for it to pro-
4 ceed on its voyage, whereas I was on a ship, 5000
5 tons in weight, and that is why I spoke of the dif-
6 ficulties.

7 Q Then why didn't you take Mr. Wang along with
8 you in your ship?

9 THE COMMISSIONER: Just a moment before you
10 answer. Yes, Mr. Roberts.

11 MR. ROBERTS: I respectfully submit that
12 these questions are immaterial and irrelevant, and
13 it seems to me to be wasting the time of the Court.

14 THE COMMISSIONER: The questions are entirely
15 proper and must be answered.

16 A This is a very important point, taking into
17 consideration Mr. Wang's political concepts and phil-
18 osophy. His idea was that he would like to serve
19 his country, China, by putting into action all matters
20 in accordance with his own initiative without receiving
21 assistance from the outside and that he would take a
22 small ship -- that, if possible, he would not like
23 to entrust his mission to other parties but would even
24 take a chance on a small vessel in making this voyage
25 and would change ships only when travel by such means

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1 became impossible.

2 Q So you used the code terms and arranged to
3 change ships on high seas in order to evade attention
4 of the public that you or the Japanese are not at the
5 back of the Wang Ching-wei movement; was that your
6 intention?

7 THE COMMISSIONER: Just a moment. Yes,
8 Mr. Roberts.

9 MR ROBERTS: I object on the ground that
10 the statement of the prosecutor is not correct and
11 assumes a state of facts which is not in evidence.

12 THE COMMISSIONER: It is not a statement.
13 It is a question and a perfectly proper question. The
14 question will be answered.

15 A I speak for my conscience and state that
16 the statement made by the prosecution is a distortion
17 of the facts.

18 Q What was the object of using code terms and
19 starting on two different ships?

20 MR ROBERTS: May I ask that one question be
21 asked at a time instead of a double question as this
22 seems to be?

23 THE COMMISSIONER: If the witness has dif-
24 ficulty in answering a double question he may take
25 that objection. It seems a simple enough question to

answer.

1 A In going to and returning from Hanoi to
2 fetch Mr. Wang all movements were kept in absolute
3 secrecy. Because Mr. Wang's life was in danger and
4 would be in danger if he continued to stay in Hanoi
5 because of the infiltration of assassins, it is
6 clearer than day that if the fact were known that
7 Mr. Wang were to leave Hanoi his life would be in
8 danger. This is why codes were used.

9 Q Was not Shanghai just as dangerous or
10 even more so at that time?

11 A The decision with respect to the degree of
12 the danger was left entirely to Mr. Wang himself.

13 Q What difference does it make to you if
14 Mr. Wang and you started on two different ships or
15 on the same ship?

16 A No difference at all to me. We just merely
17 met the desires of Mr. Wang himself.

18 Q Wasn't it a fact that when Mr. Wang's ship
19 did not join you on the high seas in time you were
20 anxious and urgent measures were resorted to to search
21 for Wang's ship?

22 A That is a fact.

23 Q Was it also a fact that the navy had been
24 requested to search for Wang's ship by orders from
25

Tokyo?

1 A Yes, I heard of that later.

2 THE COMMISSIONER: Are you now going to
3 something different, Mr. Nyi?

4 JUDGE NYI: Yes.

5 THE COMMISSIONER: Very well, we will take a
6 ten minutes' adjournment at this stage.

7 (Whereupon, at 1440, a recess was
8 taken until 1450, after which the proceedings
9 were resumed as follows:)

10 THE COMMISSIONER: Will you please continue,
11 Mr. Nyi?

12 JUDGE NYI: Yes.

13 BY JUDGE NYI (Continued):

14 Q Witness, did anyone suggest to you that
15 Shanghai was not a safe place for Wang Ching-wei
16 before he made plans to go there?

17 A Not from Japan although I have heard that
18 there was considerable argument among Wang's followers
19 in connection with the matter where he should seek
20 refuge or seek safety.

21 Q Did you ask the Tokyo authorities, home
22 authorities in Tokyo, that a residence -- residences,
23 more than one -- should be prepared for Wang Ching-wei
24 and his party?
25

1 A Yes.

2 Q And was that done to safeguard Wang
3 Ching-wei's person against any possible danger?

4 A No, these several residences were estab-
5 lished because Mr. Wang Ching-wei's circle was so
6 large that several were required to accommodate
7 them.

8 Q Was it a fact that you asked for the pro-
9 tection of the guards for his houses and also the
10 marines to be present at the wharf when Wang Ching-
11 wei and his party arrived?

12 A I have forgotten with regard to the point
13 of landing but I did request that guards be placed
14 tentatively at his provisional place of hiding.

15 Q In addition to all these preparations made
16 for him you requested the home government that the
17 plan should be carried out according to schedule,
18 did you not?

19 To refresh your mind I will read to you a
20 short passage in one of the telegrams which you just
21 identified; that is in document 1005-8, which has been
22 marked exhibit "D". You stated: "The negotiation is
23 completed and plans for loading the cargo" (meaning
24 Wang Ching-wei) "have already been arranged. Moreover,
25 as the situation does not permit any change in the

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1 plans, we wish to carry it out according to the
2 fixed schedule."

3 THE MONITOR: May I see the Japanese version
4 of it?

5 THE COMMISSIONER: What document is that?

6 JUDGE NYI: That is document 1005-8.

7 JUDGE DELL: Exhibit "D" for identification.

8 Q (Continued) What was the urge on you to
9 prosecute this plan without delay? Do you still
10 say that it was Wang Ching-wei's own idea to carry
11 out this plan?

12 A The reason why it was stated that the
13 situation did not permit of any delay was that
14 next door to Mr. Wang's residence in Hanoi a group
15 of assassins had rented a house next to Mr. Wang's
16 under the name of Southwest Airlines Company causing
17 danger to the life, to the person of Mr. Wang.

18 Q Was it also true that Wang Ching-wei would
19 be exposed to the same danger or even more danger
20 if he should enter Shanghai?

21 A With regard to that, as I have said before,
22 everything was decided in accordance with Mr. Wang's
23 own initiative.

24 Q Did Mr. Wang himself decide that he should
25 call on Formosa?

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1 A No, that was decided by me.

2 Q Was Keelung in North Formosa?

3 A Yes.

4 Q How many days would it take ordinarily by
5 steamer of your size, of the size of the Hokko Maru,
6 to sail between Keelung and Shanghai, or from Keelung
7 to Shanghai?

8 A I think about three days.

9 Q When did you leave Keelung for Shanghai?

10 A I do not remember but I think it was around
11 the 4th or 5th of May.

12 Q Was it true that you could have reached
13 Shanghai very much earlier than the 8th of May?
14 Simply because the residences of Wang Ching-wei were
15 not yet prepared you slowed down purposely on the
16 high seas?

17 A No, that is pure speculation.

18 Q We have here a document from the Chief of
19 Staff to the Ministry of Foreign Affairs and in that
20 it is said that the sailing had been made slow so
21 that the ship may arrive at Shanghai on the 6th of
22 May. Now, do you--

23 THE COMMISSIONER: Before that is answered,
24 your objection?

25 MR. ROBERTS: Object to the prosecutor's

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1 reading from anything unless it is a document that
2 is offered for identification purposes.

3 THE COMMISSIONER: That is not a good
4 ground for objection at all. Is that your only
5 objection?

6 MR. ROBERTS: It does not indicate the nature
7 of the document or whether or not it is an exhibit
8 properly in evidence.

9 THE COMMISSIONER: That is not a good
10 objection either.

11 JUDGE NYI: Your Honor, I do not propose
12 to have it tendered in evidence or marked for identi-
13 fication. I just want to show it to the witness to
14 see whether he knows anything of that.

15 THE COMMISSIONER: You are entitled to do
16 that.

17 MR. ROBERTS: Nor does it appear that any
18 question has been asked. It is simply a statement
19 made by the prosecutor.

20 THE COMMISSIONER: Prosecutor has not yet
21 had time to ask the question. We have been dealing
22 with your objections.

23 Q My question will be: Was it a fact that
24 the Hokko Maru could have arrived at Shanghai by
25 the 4th at normal speed, but as the preparation for

1 dwelling at Shanghai shall be finished on the 4th,
2 the sailing had been slowed down so that the ship
3 may arrive at Shanghai on the 6th?

4 A I don't remember about slowing the ship.

5 Q Would it refresh your memory by showing
6 you this document?

7 A Perhaps.

8 THE COMMISSIONER: Then let him see the
9 document to save time.

10 MR. ROBERTS: May we ask that it be marked
11 for identification?

12 THE COMMISSIONER: That remains to be seen
13 depending upon the use the prosecution counsel pro-
14 pose to make of it.

15 A This telegram does not refresh my memory.

16 Q Do you still say that you started from
17 Keelung on the 4th or 5th of May?

18 A When I said the 4th or 5th it was based on
19 a presumption calculated according to a ship's usual
20 speed.

21 Q So that was your guesswork. Could you tell
22 me more definitely when, on which day of May, you
23 started from Keelung to Shanghai?

24 A To the first part of the question, that is
25 just a guess on my part; to the latter part of the

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question, I do not remember that.

1 Q Did you also request transportation for
2 Wang Ching-wei's comrades to be taken from Hanoi
3 to Shanghai?

4 A That is separate from Mr. Wang's plan?

5 Q Yes.

6 A Do you mean to say in accordance with a
7 plan quite separate from Mr. Wang's own plan?

8 Q I said, did you ask for transportation for
9 Wang's comrades to be taken from Hanoi to Shanghai?

10 A Yes, I assisted in their transportation to
11 Shanghai in accordance with Mr. Wang's desire.

12 Q Were Wang's comrades mostly in Hanoi at
13 that time?

14 A Perhaps the only influential person in
15 Mr. Wang's circle in Hanoi was Mr. Wang's wife.

16 Q About how many of them were in Hanoi at
17 that time?

18 A I recall that Mr. Wang's party, including
19 his boy or valet, was somewhere around twenty.

20 Q Previously you have stated that Wang issued
21 a telegram in response to when he left -- after he
22 left Chungking. In this exhibit "F" you have men-
23 tioned the "war of telegrams." Was the telegram which
24 Wang dispatched after he left Chungking the start of
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1 this "war of telegrams"?

2 THE COMMISSIONER: Before that is answered,
3 that would appear to be merely an opinion on the
4 part of the witness and therefore not proper to be
5 asked..

6 Q What did you have in mind when you used
7 this term, "war of telegrams" with Chiang? That
8 "Chiang" is Chiang Kai-shek.

9 A It was a battle of words between Mr. Wang
10 Ching-wei and General Chiang Kai-shek because General
11 Chiang Kai-shek insisted upon resistance against
12 Japan, whereas Mr. Wang on the other hand insisted
13 upon peace with Japan.

14 Q In this same telegram you said that, "As to
15 his proposed 'war of telegrams' with Chiang, after
16 his arrival at Shanghai, Wang is, of course, contem-
17 plating some 'terroristic' counterplot." And contin-
18 uing you say, "Accordingly, I wish to set up his
19 headquarters as soon as possible at the place which
20 is convenient for such activities."

21 MR. ROBERTS: May I suggest that the docu-
22 ment referred to be shown to the witness?

23 THE COMMISSIONER: That is quite unnecessary.
24 It has been read from the very document in Japanese
25 to him. The interpreter is reading from the document

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itself.

1 MR. ROBERTS: All right.

2 Q Now my question will be, how did you know
3 that Wang was contemplating this terroristic counter-
4 plot?

5 A What is the date of this telegram?

6 Q May 3. Did Wang himself tell you?

7 A Yes, some countermeasures against terrorism
8 must be taken in accordance with Mr. Wang's own plans.

9 THE MONITOR: Correction: In accordance
10 with the plan of Mr. Wang the countermeasures against
11 the terrorism by the Chungking element must be figured
12 out.

13 Q But according to the wording of the telegram
14 Wang himself was contemplating this terroristic counter-
15 plot?

16 THE COMMISSIONER: Now that something is
17 turning upon the very language, perhaps the witness
18 may see his own telegram.

19 (Whereupon, a document was handed to
20 the witness.)

21 A Now I understand.

22 Q So he was contemplating the terroristic
23 counterplot and in support of his plan you say you
24 wished to set up his headquarters convenient for his
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1 activities?

2 A Yes, what I mean by terroristic counter-
3 measures is a defensive measure. The various plans,
4 however, do not refer to countermeasures against
5 terrorism but they include all steps necessary to
6 carry on plans for peace.

7 THE MONITOR: The "various plans" in your
8 document may be "various measures." What is the
9 exact wording there?

10 JUDGE NYI: "Convenient for such activities."

11 THE COMMISSIONER: Does that mean, Monitor,
12 that there is some doubt about the propriety of the
13 translation?

14 THE MONITOR: Yes, sir.

15 THE COMMISSIONER: I think the document
16 should be referred to the Language Arbiter who can
17 pass upon it. We will just wait while that is done.

18 The Arbiter reports that in paragraph 2 of
19 the telegram, "Wang is, of course, contemplating some
20 'terroristic' counterplot," should read, "Wang had in
21 mind a counterplot against terroristic activities."

22 The Arbiter reports that the final words of
23 paragraph 2 should read, "which is speedy and convenient
24 for various activities."

25 The document will read in accordance with

the Arbiter's view upon it.

1 Q Do you call it a defensive measure to
2 counteract against the terroristic activities and
3 set up a headquarters at a place convenient to carry
4 out such activities?

5 THE COMMISSIONER: The language is to
6 carry out the "various activities;" not "such
7 activities," but "various activities."

8 Q I change it to "various" then. Will you
9 answer my question?

10 A Yes, defensive measure.

11 Q If it was Mr. Wang's own will to do all
12 these things why would it bother you to set up a
13 headquarters for him?

14 A In accordance with Mr. Wang's wishes.

15 Q And to what extent did you help him along
16 this line? Did you actually set up a headquarters
17 for him?

18 A Yes.

19 Q And where was that?

20 A On an extension of the International Settle-
ment in Shanghai.

22 Q Was that No. 76 Jessfield Road? Was that
23 the place where all the terroristic activities origin-
24 ated from Wang's side?
25

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1 THE COMMISSIONER: Wouldn't it be more
2 satisfactory to put the question: Was that where
3 you set up Mr. Wang's headquarters? That is really
4 what you want to know, isn't it?

5 JUDGE NYI: Yes.

6 THE COMMISSIONER: Yes, ask the question in
7 that form then, please.

8 THE WITNESS: What I set up for Mr. Wang
9 was his residence. No. 76 is the headquarters from
10 which Mr. Wang carried on his anti-terroristic
11 measures.

12 Q Who was in charge of that No. 76 Jessfield
13 Road headquarters?

14 A Ting Mu-tsung.

15 Q To what extent did the Japanese help him
16 in his work in this 76 Jessfield Road headquarters?

17 A The Japanese assistance principally included
18 liaison with the Kempei Tai in Shanghai and to er-
19 radicate any friction between the two parties, that
20 is to say, between the Japanese gendarmerie and
21 Mr. Wang's circle.

22 Q Were these Japanese closely associated with
23 you?

24 A Yes, they came under my command after my
25 arrival in Shanghai.

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1 Q Was it true that Japanese terrorists have
2 been sent from Tokyo to Shanghai for the above purpose?

3 A I heard of the plan and it was rejected, and
4 as a result not a single one came.

5 Q So it was planned, was it?

6 A I heard such an information and issued the
7 rejection.

8 Q But they had come to Shanghai at the time
9 when it came to your knowledge, is that right?

10 A No.

11 Q I read to you the part of your telegram
12 dated the 3d of May in this same exhibit: "It is
13 reported that Japanese terrorists"--

14 MR. ROBERTS: Just a minute, please. I
15 object to reading from this document which is only
16 marked for identification, due to the fact that we
17 have not had a chance to check its accuracy in trans-
18 lation. One correction has already been made -- that
19 is, two of them made already. There may be more.

20 THE COMMISSIONER: There is no reason why the
21 cross-examination should not continue nevertheless.
22 You have Japanese people about you. You could have
23 done it and, even then, if there be doubt, the witness
24 himself will have the document read to him and if he
25 challenges the propriety of the translation, we have

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1 a Language Arbiter. That is not a good objection.

2 MR. ROBERTS: May I ask that the witness have
3 the document in Japanese?

4 THE COMMISSIONER: That is entirely unnec-
5 essary because the Monitor is reading from the very
6 document which he has acknowledged to be his.

7 Will you please continue, Mr. Nyi?

8 MR. ROBERTS: May I ask that, if possible,
9 we have a copy of this document in Japanese?

10 THE COMMISSIONER: It is not practicable at
11 this moment. Well, I don't know -- have you a copy
12 in Japanese?

13 JUDGE NYI: We don't have it now.

14 THE COMMISSIONER: Can you have one available
15 tomorrow morning?

16 JUDGE NYI: We can make one.

17 THE COMMISSIONER: The original is in the
18 possession of the representative of the Secretariat
19 and can be inspected by the Japanese counsel.

20 Q I read to you paragraph 4 of the telegram:
21 "It is reported that Japanese terrorists have been
22 sent from Tokyo to Shanghai for the above purpose.
23 But, considering the bitter experiences in the past,
24 I wish you would absolutely stop the plan. It may
25 seem a good plan to wait in some place outside Shanghai

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1 until the preparation for guard and protection by
2 Ting Mu-tsung will be finished, but I don't believe
3 it will be finished within two or three months, in
4 view of the general situation."

5 Taking this whole paragraph together it
6 appears that the terrorists had been sent to Shanghai
7 but you were opposed to it for the reasons you
8 stated in the latter part of the paragraph.

9 THE COMMISSIONER: What is your question,
10 Mr. Nyi?

11 JUDGE NYI: My question is yet to be given.

12 THE COMMISSIONER: You are prefacing your
13 question with rather an unnecessary amount of address.
14 Please try to reach your question more shortly.

15 JUDGE NYI: I will give him the question now.

16 Q Was it your intention as expressed in the
17 latter part of this paragraph that if the preparations
18 for guard and the protection by Ting Mu-tsung could
19 be finished it would be an idea to carry out the plan
20 so your difference is not as to matter of policy but
21 as to the time, the right time to carry out the policy,
22 was that right?

23 A Is that telegram date the 3d or 4th of May?

24 Q Yes, 3d of May.

25 MR. ROBERTS: I understand from Japanese

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1 counsel that there may be a question of the trans-
2 lation in paragraph 4 after the word "plan," as to
3 whom it refers to.

4 THE COMMISSIONER: I do not think there is.
5 That is not pertinent to the question now being put.
6 What was the witness' answer?

7 A I recall that telegram as having been sent
8 on the 3d or 4th of May through the Chief of Staff
9 of the Formosan Army, that is to say, when I was in
10 Formosa I received the information that Tokyo, that
11 rightist elements -- there was a plan to send rightist
12 elements from Tokyo to Shanghai.

13 THE COMMISSIONER: To send what?

14 THE INTERPRETER: Extreme rightist elements.

15 THE COMMISSIONER: What is that?

16 THE MONITOR: Right wing elements.

17 THE COMMISSIONER: That is politics?

18 THE MONITOR: Extreme nationalists.

19 A (Continuing) And this is the telegram I
20 sent in opposition to that. When I arrived in Shanghai
21 on the 8th of May I learned that such a group had not
22 arrived.

23 Q Do terrorists and rightists mean the same
24 thing?

25 THE COMMISSIONER: Is that Japanese word

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1 capable of meaning both those things, the word,
2 "It is reported that Japanese terrorists"?

3 THE MONITOR: Almost, sir. I think the
4 witness used the term "rightest terrorists," or
5 "right wing terrorists."

6 THE COMMISSIONER: I ask the Arbiter, as
7 we are nearing the time of adjournment, to take that
8 document and this translation and report in the
9 morning what his opinion is of the proper translation
10 of that paragraph. We will not interfere. We will
11 go on with cross-examination in the meantime. We
12 will have that report in the morning. Have you
13 further questions on that same document?

14 JUDGE NYI: Yes.

15 THE COMMISSIONER: Please continue.

16 BY JUDGE NYI (Continued):

17 Q What were the "bitter experiences in the past"
18 that you referred to in this paragraph?

19 A From my association with internal problems,
20 that is, internal national problems, I was very familiar
21 with the harm that could be done by the activities of
22 the right wing terrorists.

23 Q And the terrorist policy had been used before,
24 had it; is that right? On what occasions had such
25 terrorist activities been used?

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1 A I hate terrorists and I have never used
2 them. That is why I objected to them.

3 THE COMMISSIONER: That is not an answer to
4 the question. Please answer the question.

5 Q On what occasions had terrorists, terrorism,
6 been used before since you say that there were bitter
7 experiences in the past?

8 A I am pointing to the many terrorist incidents
9 that have occurred in Japan but I have never written
10 that I used terrorists myself.

11 Q But the Japanese terrorists had been planned
12 to be sent over so it was not purely a matter of
13 terrorism in Japan in this case--

14 MR. ROBERTS: I submit that this has been
15 answered by this witness at least once.

16 THE COMMISSIONER: I have not yet heard
17 counsel's question. There will be time enough to
18 raise an objection.

19 MR. ROBERTS: I thought he had finished; I
20 am sorry.

21 Q And apparently you are speaking of a situation
22 in Shanghai. Now, what were these bitter experiences
23 which had been used in the past so that you do not
24 agree to use them in Shanghai?
25

 THE COMMISSIONER: Then I think the objection

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1 is properly taken. That is a question the witness
2 answered a moment ago. Please proceed to your next
3 question.

4 Q Who were those Japanese terrorists you
5 stated in this telegram?

6 THE COMMISSIONER: Yes, Mr. Roberts.

7 MR. ROBERTS: I object to the calling for
8 an opinion. This is just simply a report that the
9 witness referred to -- no one in particular.

10 THE COMMISSIONER: There is no merit in
11 the objection. The question may be put.

12 Q Who were these Japanese terrorists who had
13 been sent? Were they in the employ of the Japanese
14 authorities?

15 MR. ROBERTS: May I further object on the
16 ground the witness has stated that no terrorists
17 actually were sent but there was some idea or plan.

18 THE COMMISSIONER: Mr. Roberts, I must ask
19 you to raise objections only when they have merit.
20 There is no merit whatever in it. Please do not
21 interrupt needlessly.

22 The witness will be good enough to answer
23 the question?

24 A While in Taiwan I received the information,
25 I heard the information from the headquarters of the

1 Formosan army that there was a report to the effect
2 that a terrorist troupe was going to Shanghai and I
3 was not informed as to what type of organization they
4 belonged to or the names of its members.

5 THE COMMISSIONER: The time has now come
6 for an adjournment and I will ask the Arbiter to
7 take all the translations of that group of telegrams
8 "B" to "H" inclusive and confer with his fellow members
9 and revise the translations of all of them over night
10 because as there has been some challenge to one it
11 is well that they should all be reviewed.

12 MR. ROBERTS: If the Court please, under the
13 rules is not the defense entitled to copies of docu-
14 ments which the prosecution intends to use in court?

15 THE COMMISSIONER: These are being used by
16 way of cross-examination and in fullness of time no
17 doubt you will receive copies.

18 These proceedings are now adjourned until
19 9:30 tomorrow morning.

20 (Whereupon, at 1545, an adjournment
21 was taken until Friday, 23 May 1947, at 0930.)
22
23
24
25

First National Hospital, Tokyo

23 May, 1947

- - -

The Commission met, pursuant to adjournment, at 0945.

Appearances:

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese to English interpretation was made by the Language Section, INTFE.)

THE COMMISSIONER: I ask the Language Arbiter to report.

LANGUAGE ARBITER (Mr. Sano): With the Commissioner's permission and in compliance with the order, we submit the following language corrections:

Translation of prosecution exhibit Nos. B; C1, 2 and 3; D; and E1, 2 and 3 are generally acceptable to the Board. However, there are two corrections recommended to be made:

Document F, paragraph No. 2, should read as follows:

"Wang is naturally anticipating, after his

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1 arrival in Shanghai, a battle of telegrams with Chiang
2 and also terroristic opposition. Accordingly, he
3 wishes to set himself up as soon as possible at the
4 place most convenient for his various activities."

5 Paragraph 2, line 4 of document G, prosecu-
6 tion document 1005-19, substitute "would" for "did",
7 and delete translator's note to the end of sentence,
8 and substitute "prematurely".

9 THE COMMISSIONER: Are those all the correct-
10 ions?

11 LANGUAGE ARBITER (Mr. Sano): Yes, sir.

12 THE COMMISSIONER: I would suggest for the con-
13 venience of all counsel, that the arbiter go with my
14 associate in my car to the War Ministry where my typist
15 will type a number of copies of this report which can
16 be handed to counsel and used. That should be back
17 pretty soon.

18 In the meantime we will continue as far as is
19 appropriate with those which are available.

20 JUDGE NYI: May I proceed, your Honor?

21 THE COMMISSIONER: Do, please.
22
23
24
25

1 S A D A A K I K A G E S A, called as a witness on
2 behalf of the defense, resumed the stand and
3 testified through Japanese interpreters as
4 follows:

5 CROSS-EXAMINATION

6 BY JUDGE NYI (Continued):

7 Q Witness, toward the end of the session yes-
8 terday afternoon I was asking you who were the terror-
9 ists about to be sent from Japan. As far as I re-
10 member, we haven't got your answer. Will you give
11 us the answer now?

12 A We learned that there were terrorists in For-
13 mosa. But, since we were unable to make thorough in-
14 vestigation, I do not know the names nor to which
15 parties they belong -- which organization they belong.

16 THE MONITOR: Slight correction there: We
17 learned about the despatching of terrorist gangs from
18 Tokyo in Formosa. Not "we," but "I" learned about
19 this in Formosa. Since then I have not made any in-
20 vestigation. Therefore, I do not know the political
21 affiliation of these terrorist gangs or the names of
22 their members..

23 Q Did you make any investigation after your
24 arrival at Shanghai?

25 A I did not think it was necessary to investi-

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1 gate these terrorists gangs, so I did not make any
2 investigation whatsoever.

3 Q You seem to have been very much concerned
4 about the safety of Mr. Wang and also about the ac-
5 tivities -- the various activities you would take.
6 Are you not also concerned about the standing of
7 these -- sending of these Japanese terrorists from
8 Tokyo?

9 MR. ROBERTS: May I submit that this question
10 has already been answered by the witness at least
11 twice?

12 THE COMMISSIONER: I don't recall that. How-
13 ever, I think the question does offend, as it is more
14 in the nature of comment than an examination to ascer-
15 tain the facts.

16 The witness did answer. An answer having
17 been given, we must be told what his answer was.

18 THE MONITOR: No, sir. He said, "Should I
19 answer?"

20 THE COMMISSIONER: I see. Then the witness
21 did not answer.

22 THE MONITOR: No, sir.

23 THE COMMISSIONER: Very well, he need not.

24 Q Were the terrorists and the rightists the
25 same thing?

1 THE COMMISSIONER: That matter was canvassed
2 yesterday and need not be pursued further.

3 Q From whom did you learn that terrorists were
4 being sent from Japan?

5 A I learned this from a member of the Japanese
6 forces in Taiwan -- headquarters of Japanese forces
7 in Taiwan.

8 Q And how did he know? Did you inquire?

9 A This person was the man who had recently
10 returned to Formosa from Tokyo.

11 Q Oh, then he must have the firsthand informa-
12 tion. Did you go any further to ask how he got this
13 information in Tokyo?

14 A There are true and false informations.
15 But, concerning the despatch of terrorists from Tokyo,
16 since I did not think it was necessary, I turned down
17 the offer.

18 MR. ROBERTS: (To the interpreter) Please
19 speak up. I cannot hear you.

20 MR. SUTTON: I cannot hear him either.

21 Q You were not aware of the names of these
22 terrorists, and do you know who was sending these
23 terrorists?

24 MR. ROBERTS: I submit that this, likewise,
25 had been covered previously.

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1 THE COMMISSIONER: The answer can be given
2 shortly in case there be any doubt about it.

3 A As I have repeatedly said, I did not take
4 any steps to obtain any information concerning the
5 despatch of terrorist gangs from Tokyo.

6 Q But, you did take pains to stop the sending
7 of the terrorists, did you?

8 THE COMMISSIONER: That is a comment and,
9 again, need not be answered. I must ask you, Mr.
10 Nyi, to ask questions which will elicit facts rather
11 than to debate with the witness.

12 JUDGE NYI: I will withdraw that.

13 THE COMMISSIONER: Because the debate in-
14 volves matters of comment which you can make at a
15 later stage.

16 Q Your telegram of May 3 stated, "I wish you
17 would absolutely stop the plan." Now, was it a fact
18 that a plan was conceived by the very persons to whom
19 you sent the telegram?

20 A I requested that the despatch of terrorists
21 be stopped, but I did not say anything --

22 THE MONITOR: But I did not consider that the
23 person to whom I sent the telegram was despatching the
24 terrorists himself.

25 Q If those persons did not have anything to do

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1 with the plan of sending the terrorists, what meaning
2 would it have for you to send -- to convey your ob-
3 jections to them? I am not calling for any opinion,
4 but I want to ask you if you know any fact in rela-
5 tion to that.

6 MR. ROBERTS: I submit that the question is
7 more argumentative than a question.

8 THE COMMISSIONER: The question is perfectly
9 proper, and it is to be answered. I must ask you,
10 Mr. Roberts, not to make idle and unnecessary ob-
11 jections. It is merely time wasting.

12 MR. ROBERTS: May I respectfully submit that
13 I only make objections, if your Honor please, if I
14 think they have merit.

15 THE COMMISSIONER: You make a great many
16 unmeritorious objections which waste a good deal of
17 time.

18 A The telegram was addressed to a section chief
19 of the General Headquarters -- General Head Staff, and
20 this man assisted me in preparations for going to
21 Hanoi, and he had nothing whatsoever to do with the
22 despatch of these terrorist gangs.

23 Q When did Mr. Wang Ching-wei decide to go to
24 Tokyo?

25 A He intimated that he wished to go to Tokyo

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1 on the 7th -- on or about the 7th of May while we
2 were on board the ship, but it was formally decided
3 after he arrived in Shanghai.

4 Q What date was that when he was positively
5 sure that he was to go to Tokyo?

6 A I think it was about the 9th of May.

7 Q In your conversation with Mr. Wang did you
8 know as a fact that he could not set up a peace
9 government in occupied China without the support or
10 protection of Japan?

11 A While we were on board ship, nothing was
12 said about concrete Japanese assistance concerning
13 the establishment of a Central Government.

14 Q Were you already, at that time, an assistant
15 to him when you were on the way toward establishment
16 of a new government?

17 A I do not understand the question. Would you
18 kindly repeat it?

19 THE COMMISSIONER: That need not be necessary.
20 Will the Japanese reporter please read the question
21 back?

22 (Whereupon, the question was read
23 by the Japanese reporter.)

24 A Mr. Wang told me of his desire to -- of his
25 wish to establish a Central Government. But, since

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1 I did not know what the Japanese Government -- what
2 the intentions of the Japanese Government was concern-
3 ing this question, I could say nothing.

4 THE MONITOR: So, therefore, there was no
5 question of helping or not helping the establishment.
6 The proposition hadn't gone that far yet.

7 Q Didn't you know that the Japanese Government
8 had long ago decided to set up a Central Government
9 in China?

10 A I learned of Mr. Wang's desire to set up a
11 Central Government at that time. I learned for the
12 first time then that Mr. Wang wished to set up a Cen-
13 tral Government. That was most surprising both for
14 the Japanese Government and for myself.

15 Q You didn't answer my question. My question
16 is, didn't you know that the Japanese Government had
17 decided long ago, not whether Wang Ching-wei himself
18 had decided long ago, to set up a government? What
19 is your answer to that?

20 A When I was Chief of the Military Affairs
21 Section -- while I was Chief of the Military Affairs
22 Section, the Japanese Government did not have any idea
23 of establishing a Central Government in China.

24 Q Didn't you know, when you went to North
25 China in the middle of May, that Wang Ching-wei had

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1 approached the Italian Ambassador to use the Italian
2 Concession in Tientsin for his activities in North
3 China?

4 A In the middle of May?

5 THE MONITOR: Did you say "middle of May"?

6 THE INTERPRETER: The witness went to
7 Tientsin -- to North China in the middle of May?

8 Q Yes, during his absence from Shanghai,
9 while he was taking a trip to North China.

10 A According to my recollection, I was in
11 Shanghai with Wang Ching-wei in the middle of May.

12 Q Was it a fact that the Japanese consular
13 authorities in Shanghai waited for your return in
14 order to reach a decision about Wang Ching-wei's re-
15 quest to use the Italian Concession in Tientsin?

16 A In any event, I had no contact with the
17 Italian Embassy.

18 Q I am not suggesting that you had any contact
19 with the Italian Embassy. I am asking you whether
20 Wang Ching-wei had approached the Italian authorities
21 for the use of Tientsin Concession and whether it was
22 a fact that the Japanese authorities in Shanghai,
23 because of your absence, could not reach a decision.

24 A I have never heard that Mr. Wang intended to
25 use the Tientsin Concession for his activities.

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1 Q Did Mr. Wang take a trip to North China dur-
2 ing that time?

3 A No.

4 Q Oh, after his return from Tokyo?

5 A Yes, that is so.

6 Q Where did he stay in Tientsin?

7 A He stayed in the Italian Concession there.

8 Q Was it a fact that previous arrangements
9 had been made with the Italian authorities for him
10 to stay there and carry out his activities?

11 A Consul General YANO made arrangements con-
12 cerning the house, but I do not know what steps were
13 actually taken by him.

14 Q Do you suggest that he had nothing to do
15 with the arrangement of the Italian authorities with
16 regard to this thing?

17 A Yes, that is so.

18 Q I will show you a document which I will hand
19 to you to identify to see whether you agree with the
20 content of this document.

21 (Whereupon, a document was handed
22 to the witness.)

23 JUDGE NYI: Your Honor, it is a long document.
24 May I tell him which part that his name appears?

25 THE COMMISSIONER: If you please.

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1 Q (Continuing) In the fourth paragraph it
2 says that, "according to investigations made there-
3 after, the situation seemed to be almost as per
4 attached telegram No. 1350. I shall wait for Colonel
5 KAGESA who is scheduled to return to Shanghai tomor-
6 row or the next day to make arrangements," and so
7 forth.

8 Now, this is one place where your name ap-
9 pears, and it seems that they are waiting for your
10 decision.

11 MR. ROBERTS: May I suggest that the prose-
12 cutor refrain from reading any of the contents until
13 we ascertain the authenticity of the document.

14 THE COMMISSIONER: I am not concerned with
15 the authenticity. He wants to know what the witness
16 has to say about it. I agree that nothing more should
17 be said until we hear what the witness says about the
18 document.

19 A I think this is an accurate telegram -- a
20 true telegram. I think this is a true telegram.

21 THE COMMISSIONER: That is not really what we
22 want to know. What we want to know is whether the
23 witness either saw the telegram before or whether the
24 fact of a telegram having been sent in these terms
25 was communicated to him at any time.

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1 THE WITNESS: No, I have not seen this
2 telegram before, nor do I have any recollection of
3 its contents. However, by looking at this telegram
4 I now recall that I did go to Peking.

5 THE COMMISSIONER: In view of that answer,
6 Mr. Nyi, if you want to tender this document as an
7 exhibit, it must be done through some other witness
8 and in some other way.

9 JUDGE NYI: May I have it marked for identi-
10 fication?

11 THE COMMISSIONER: It will be marked with
12 the letter "I" for identification.

13 THE WITNESS: There are two telegrams.

14 JUDGE NYI: It is not two telegrams; it is
15 one telegram and an enclosure. Yes, there are two
16 telegrams; that's right: one is enclosed in the other.

17 THE COMMISSIONER: In that case, they had
18 better have separate markings. The first one being --

19 JUDGE NYI: It is one prosecution document,
20 1005-18.

21 THE COMMISSIONER: In that case, then, if it
22 is one document with two portions, it will receive
23 one letter only, and that will be the letter "I."

24 BY JUDGE NYI (Continued):

25 Q Now, you have admitted that you were in

1 Peking about the middle of May. But, do you recall,
2 by looking at this telegram, that you had anything
3 to do with the negotiations with the Italian authori-
4 ties for the use of the Italian Concession by Mr.
5 Wang?

6 A No, that is not a fact.

7 Q If that doesn't refresh your mind, then will
8 you look into the second telegram which still goes
9 further -- the end of the second paragraph. It says --

10 MR. ROBERTS: Just a minute, please.

11 THE COMMISSIONER: No, that is not proper,
12 Mr. Nyi. You have asked the witness to look at the
13 end of the second telegram. Let him look at the end
14 of the second telegram without your reading.

15 JUDGE NYI: All right.

16 THE COMMISSIONER: Is it the last paragraph
17 in the second telegram?

18 JUDGE NYI: The last paragraph -- in the
19 second paragraph in the second telegram.

20 THE COMMISSIONER: Will the witness please
21 look at the last part of the last paragraph of the
22 second telegram.

23 JUDGE NYI: The second paragraph of the
24 second telegram.

25 (Whereupon, a document was handed

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1 to the witness.)

2 A I have seen the telegram.

3 Q Does that refresh your mind? May I also
4 point to you another telegram?

5 THE COMMISSIONER: Just a minute. We
6 haven't his answer yet.

7 A I think it would be better if I explain the
8 object of my trip to North China.

9 Q That's not what I want.

10 A With the Court's permission --

11 THE COMMISSIONER: Will the witness please
12 confine himself to the question.

13 THE WITNESS: I do not know what to answer.

14 THE COMMISSIONER: Will you please put your
15 question again.

16 JUDGE NYI: Yes.

17 Q My question is, were you consulted about
18 Wang Ching-wei's proposed use of the Italian Conces-
19 sion in North China by authorities -- Japanese
20 authorities in Shanghai?

21 A No, I have no recollection of having been
22 consulted by the Japanese Consul authorities in
23 Shanghai.

24 THE MONITOR: Strike off the first "no."
25 The answer is not "no."

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1 Q If you still don't remember, I will point
2 to you the last paragraph of the second telegram.
3 Does that refresh your mind? The last paragraph of
4 the second telegram, on page 3 of that telegram. Do
5 you recall anything?

6 A According to the telegram, it says that I
7 was to be consulted after my return to Shanghai. But
8 I cannot recall having been consulted about the pro-
9 posed use of the Italian Concession by Wang Ching-
10 wei.

11 Q On which day did Wang Ching-wei leave Shanghai
12 for Tokyo?

13 A I believe it must have been the 31st of May.

14 Q Why did you put in the affidavit that it was
15 the beginning of June?

16 MR. ROBERTS: I submit that the affidavit,
17 stating "at the beginning of June," is approximately
18 the answer given, "the 31st of May," by the witness
19 previously.

20 THE COMMISSIONER: If that be the fact, the
21 witness is sufficiently alert to make the corrections
22 himself without counsel having to do it for him.

23 Q Do you propose to make a correction in the
24 affidavit?

25 A I request that the affidavit be left as it is

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1 because I am not absolutely sure that it was the 31st
2 of May, and there may be a difference of one or two
3 days; so, I stated in my affidavit, "at the beginning
4 of June," and I request that it be left as it is.

5 Q In exhibit "H" which was marked for identi-
6 fication yesterday -- may I hand that to you to help
7 your memory -- 1005-20?

8 (Whereupon, a document was handed
9 to the witness.)

10 A I have seen it.

11 Q Are you sure of that now?

12 A Now I am sure that it was the 31st of May,
13 so I have no objection to the affidavit being cor-
14 rected from "the beginning of June" to "the 31st of
15 May."

16 Q I am not asking you to correct. I want to
17 ask you if you want to correct. It is up to you
18 whether you want to correct or not. What is your
19 answer?

20 A Please correct the document.

21 Q Now, this telegram was sent by you through
22 what is called the "DOHIMARA Agency." What is this
23 "DOHIMARA Agency"?

24 A May I see the document again?

25 JUDGE NYI: Exhibit "H."

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(Whereupon, a document was handed
to the witness.)

A (Continuing) The DOHIMARA Agency was located
in Shanghai. After Lieutenant General DOHIMARA re-
turned to Tokyo at the beginning of April, the office
established there was continued to be called the
DOHIMARA Agency.

Q What are the functions of the DOHIMARA
Agency? What was its mission?

MR. ROBERTS: I submit that that is immater-
ial and irrelevant and outside the scope of the
examination.

THE COMMISSIONER: It is not one of any of
the three that you have mentioned. It is entirely
relevant and is to be answered.

A The mission of Lieutenant General DOHIMARA
was unknown to me as Chief of the Military Affairs
Section.

THE COMMISSIONER: That was not the question.
The question was, what were the functions of the
DOHIMARA Agency? Will the witness please answer that
question.

THE MONITOR: "Being Chief of the Military
Section of the War Ministry, I had no connection what-
soever with the mission of Lieutenant General DOHIMARA.

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1 Therefore, I do not know what the mission was.

2 Q You have many telegrams, more than one,
3 relayed through what was called the DOHIHARA Agency.

4 A Yes, that is so.

5 THE COMMISSIONER: What functions was that
6 agency performing at the time you had business with
7 it?

8 THE WITNESS: The mission of the DOHIHARA
9 Agency had already come to an end when I was in
10 Shanghai, but I used their building. And since, if
11 I did not use the name of the DOHIHARA Agency, I had
12 no access to ciphers, so I had to use that name. But
13 there is no relation whatsoever between the mission of
14 the DOHIHARA Agency and my own mission. To amplify
15 my explanation, I had no right to send the telegrams,
16 so I was forced to use the name of the DOHIHARA Agency
17 which did have this privilege.

18 Q Now you say that you know the DOHIHARA Agency
19 ended. You must know what was their function.

20 MR. ROBERTS: I believe the witness has
21 covered that, stating that they were simply using
22 their building, the mission having ended.

23 THE COMMISSIONER: I prefer that the witness
24 should answer the question.

25 A Since Lieutenant General DOHIHARA had returned

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to Tokyo, his mission had come to an end.

1 Q Were there other agencies -- Japanese
2 agencies available through which you can send your
3 telegram, for instance, consular authorities or the
4 Japanese expeditionary forces? Why did you have to
5 resort to the DOHIMARA Agency?

6 A Because the building formerly used by the
7 DOHIMARA Agency was empty, I moved into that build-
8 ing, and I sent telegrams from there because it was
9 the most convenient thing to do.

10 Q But you say DOHIMARA Agency already ended.

11 A I entered their premises because their mis-
12 sion was at an end.

13 Q And why the name of DOHIMARA Agency still used
14 in relaying your telegrams?

15 A Although Lieutenant General DOHIMAR had re-
16 turned to Tokyo, his right to send telegrams still
17 existed. In other words, his code address appeared
18 in the table of ciphers.

19 Q Didn't DOHIMARA --

20 THE MONITOR: Hold it, please.

21 A (Continuing) This may be somewhat difficult
22 for amateurs to understand, but for cipher experts it
23 is a simple matter.

24 THE MONITOR: In short, the name "DOHIMARA
25

1 Agency" remained in the code books, and that gave
2 authority to send telegrams under that name in codes.
3 That is why I used this DOHIHARA Agency code.

4 THE COMMISSIONER: Do you say then, witness,
5 that at the time you speak of there was, in fact, no
6 DOHIHARA Agency, that you merely used the premises
7 which that agency had previously used, and that you
8 merely used the code in the cipher book which that
9 agency had used?

10 THE WITNESS: Yes, that is so.

11 Q According to your recollection, when did
12 the DOHIHARA Agency end?

13 MR. ROBERTS: I object on the ground that it
14 is immaterial and irrelevant and I believe that also has
15 been fully covered.

16 THE COMMISSIONER: It is neither immaterial
17 nor irrelevant; but if it has been fully covered,
18 that would be sufficient. It may not have been. The
19 witness may answer.

20 A I believe that Lieutenant General DOHIHARA
21 returned at the end of April. After his departure
22 there were a few members -- there were a few clerks
23 who remained behind. I imagine that his mission came
24 to an end when he returned to Tokyo.

25 THE COMMISSIONER: Have you finished with

that topic, Mr. Nyi?

1 JUDGE NYI: I still have some more to ask
2 about that.

3 THE COMMISSIONER: Very well, then. We will
4 adjourn for fifteen minutes.

5 (Whereupon, at 1050, a recess was
6 taken until 1107, after which the proceed-
7 ings were resumed as follows:

8 BY JUDGE NYI (Continued):

9 Q Did you, witness, state that the functions
10 of the DOHIMARA Agency were different from yours?

11 A There was no connection between the two.

12 Q I'm asking you whether you have stated that
13 the functions of the DOHIMARA Agency were different
14 from yours.

15 THE COMMISSIONER: By that do you mean, did
16 he state on some other occasion that they were differ-
17 ent?

18 JUDGE NYI: Just before the recess.

19 THE COMMISSIONER: Very well.

20 A Since I do not know the mission of Lieutenant
21 General DOHIMARA, I cannot say whether it was the same
22 as mine or different.

23 Q Did DOHIMARA, around the 22nd or 23rd of
24 April, send a telegram to the Vice-Minister or Vice-
25

1 Chief -- Vice-Minister of War and Vice-Chief of the
2 General Staff suggesting that Shanghai was not a
3 favorable place for Wang Ching-wei?

4 MR. ROBERTS: Just a minute.

5 THE COMMISSIONER: The question may not be
6 put in that form; but it is a proper question if he
7 is asked, do you know whether DOHIMARA sent such a
8 telegram? Will the witness please answer it in that
9 form.

10 THE WITNESS: No, I have no knowledge what-
11 soever of that.

12 Q Didn't he also suggest that Tsingtao would
13 be a better place?

14 THE COMMISSIONER: Please put the question
15 more correctly. You can only ask him whether he knows
16 whether he did such and such a thing.

17 Q Do you know that?

18 A I don't know.

19 Q I show you that telegram and see if it will
20 help you to remember.

21 (Whereupon, a document was handed
22 to the witness.)

23 A I do not think it will be of any use to show
24 me the telegram because, on the 23rd, I was either
25 on board a ship or in Hanoi.

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1 Q But you may have learned later. Do you re-
call anything?

2 A I have heard neither of the despatch nor of
3 its contents.

4 Q But you have learned the contents now,
5 haven't you?

6 A I learned of the contents for the first time
7 just now.

8 THE COMMISSIONER: Well, the document, having
9 been tendered as an exhibit, had better be marked for
10 identification. It will receive the letter "J" for
11 that purpose.

12 (Whereupon, the document above
13 referred to was marked prosecution exhibit
14 "J" for identification and is appended
15 hereto.)

16 Q Now, my question is, since you do not know
17 what the DOHIMARA Agency's function was, how it
18 happened that DOHIMARA is making suggestions -- was
19 making such suggestions?

20 MR. ROBERTS: I object to that because it
21 calls for an opinion from this witness.

22 JUDGE NYI: That's a fact.

23 THE COMMISSIONER: The objection is entirely
24 unsound. It asks for the witness' knowledge which is
25

not a matter of opinion.

1 A I have no knowledge whatsoever.

2 Q The telegram speaks for itself that his work
3 was very similar to yours.

4 MR. ROBERTS: Just a minute, please.

5 THE COMMISSIONER: Mr. Nyi, this telegram
6 has been denied by the witness. It is not an ex-
7 hibit, and you are not entitled to import its con-
8 tents into the proceedings.

9 JUDGE NYI: I withdraw it.

10 Q Now, witness, do you have an organ called
11 the "KAGESA Organ"?

12 A After Tang returned to Shanghai from Tokyo
13 in July, I opened the office commonly known as the
14 KAGESA Agency.

15 Q Did you use it in any of the documents, the
16 name "KAGESA Organ"?

17 A I may have used the name.

18 Q So that it was not only commonly known, but
19 it was adopted by yourself, was it?

20 A My organ had many names.

21 Q What are the other names?

22 A It was also known as Baikado and the Ume
23 Agency.

24 Q Were they one and the same thing?
25

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1 A Yes.

2 Q Did your organ take care of any of the funds
3 to finance the so-called Anti-Comintern National Sal-
4 vation League?

5 A No, we did not do so.

6 Q Was it a fact that the funds for this -- to
7 be supplied to this league shall be -- were approp-
8 riated from the surplus fund of the maritime customs
9 revenue? Do you recall that?

10 A I have no knowledge of that Anti-Comintern
11 National Salvation League. But, if you would give
12 me an explanation of the functions, perhaps I could
13 say more about it.

14 Q I am asking you. This is no occasion for
15 you to ask me. Do you know that any funds were
16 appropriated to the Wang Ching-wei Government on its
17 formation in March, 1940?

18 THE MONITOR: From where? Any funds were
19 appropriated from where?

20 THE COMMISSIONER: Appropriated by whom?

21 JUDGE NYI: By the Japanese Government.

22 A In the form of a loan, funds were provided
23 to Wang.

24 Q Was it a fact that forty million dollars
25 were loaned to the Wang Ching-wei Government upon its

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1 completion?

2 THE INTERPRETER: Dollars?

3 JUDGE NYI: Yes, Japanese yen. Forty
4 million dollars -- yen.

5 A I believe that, by the time it was estab-
6 lished, about that sum had already been loaned to
7 him. However, I have no recollection of the accur-
8 ate figure.

9 Q Were you in charge of the details of the pay-
10 ment to be made to Wang Ching-wei?

11 A Yes, that is so.

12 Q You just stated that you have many names for
13 the organ -- KAGESA Organ, Ume Organ and Bakaido
14 Organ. Why did you adopt so many names?

15 A I first named it the "Bakaido." It means,
16 house of the plum blossoms. The General Staff took --
17 from that name the General Staff began to call my
18 office the "Ume Kikan" or Plum Agency. That was
19 done entirely by the General Staff.

20 Q Now, stop that. Why was it necessary, if
21 you are carrying a proper function, to have so many
22 names besides "Bakaido" or "KAGESA Organ"? Did it
23 ever come to your knowledge?

24 THE COMMISSIONER: Did what ever come to his
25 knowledge?

JUDGE NYI: Yes.

THE COMMISSIONER: I am asking you.

JUDGE NYI: What?

THE COMMISSIONER: You say, did it ever come to his knowledge? What do you mean by "it"?

JUDGE NYI: The necessity of adopting so many names.

THE COMMISSIONER: Very well.

You appear to have an objection, Mr. Roberts.

MR. ROBERTS: I submit, the witness should not be stopped in the middle of an explanation as the prosecutor has just done.

THE COMMISSIONER: The prosecutor merely stopped to amplify the answering of his former question, as I judge it. But, if I should be at fault, then it is always open to you in redirect to allow the witness to add what you think he desired to add.

A That was the true nature of my mission, and I should like to give an explanation here -- the true nature of my agency. My agency was not under the orders of myself.

THE MONITOR: No, no; slight correction: My organ was not an organ belonging to one, KAGESA, myself, as an individual. My office consisted of

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1 various elements, from the Army, the Navy, the
2 Foreign Office, the China Affairs Bureau, Members
3 of Parliament and journalists. The members from the
4 Army were under my orders.

5 Q You are not answering my question.

6 THE COMMISSIONER: I think the witness
7 should be allowed to explain the Agency so that he
8 will then give a correct picture of the matter you
9 are developing. He must do it shortly, however.

10 A Because there were many elements which were
11 under my command, I did not like to use the name
12 "KAGESA Agency."

13 THE MONITOR: Slight correction: Those who
14 were not under my command did not like to refer to
15 this organ as "KAGESA Organ." However, those under
16 my command used the name "KAGESA Agency." Since it
17 was necessary to use a name including all elements,
18 I named it the "Bakaido." The General Staff called
19 it the "Ume Agency" -- the Plum Agency. However,
20 neither the Navy nor the Foreign Office had any obli-
21 gation to use the same name -- use the name "Ume
22 Kikan" which was the name given by the General Staff
23 Headquarters.

24 Q Do these names other than "KAGESA" or the
25 "KAGESA Organ" sound like nicknames?

A All of the names of the same value, and they are all common names -- commonly used names.

1 Q Why did they find it necessary to send official
2 despatches using such names?

3 A Official documents were the only telegrams
4 sent by me to the Army and telegrams sent by the
5 naval officers there.

6 Q Under which government department did your
7 agency fall?

8 A It belonged to various ministries, that is,
9 the War Ministry, the Navy, the Foreign Office and
10 the China Affairs Bureau.

11 Q Separately or jointly?

12 A Separately.

13 Q Separately? Who was responsible in the
14 direction of affairs in your bureau -- in your agency?

15 A The responsibility was mine.

16 THE MONITOR: The responsibility rested upon
17 me.

18 Q Was the Une Agency in charge of the direction
19 of Wang Ching-wei Government after its formation?

20 A Simultaneously with the establishment of the
21 Wang Ching-wei Government, my organ was dissolved.

22 Q Was there also a Hatsu Kikan or Pine Agency?

23 A Yes.

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(End of reading.)

THE PRESIDENT: We will recess for fifteen minutes.

(Whereupon, at 1445, a recess was taken until 1500, after which the proceedings were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.
3 THE PRESIDENT: Judge Hsiang.
4 JUDGE HSIANG (reading continued):
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1 Q Was there also a Take Kikan or a Bamboo
2 Agency?

3 A There well might have been.

4 Q What were the functions of Matsu Kikan or
5 Pine Agency?

6 A I am well informed of the functions of the
7 Ume Agency, but I do not know of the functions of other
8 agencies.

9 Q Who was the responsible member of the Pine
10 Agency?

11 A I have no recollection.

12 Q Who was responsible member of the Take Kikan
13 or Bamboo Agency?

14 A It must have been a small agency. I do not
15 recall its name.

16 Q Do you have any liaison with these agencies?

17 A No, I had no relations with them.

18 Q Who was the President of the National Govern-
19 ment at Chungking at the time when Wang Ching-wei
20 formed his government?

21 A Lin, Sung.

22 Q Do you know Wang Ching-wei once suggested
23 that Lin, Sung should be named as the President of the
24 new government?

25 A Yes, that is so.

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1 Q Was it done for the purpose of misleading
2 the people that the National Government had returned
3 to Nanking?

4 A We believed that at some future date the
5 Chungking Government would merge with the Nanking
6 Government and make possible general peace. And, to
7 prepare for that eventuality, we wished to name Lin,
8 Sung as the President.

9 THE COMMISSIONER: That is not really an
10 answer to the question. The question was whether that
11 name was sought for the purpose of misleading people
12 into thinking that the Nanking Government was the --

13 JUDGE NYI: The Chungking Government had come
14 back.

15 THE COMMISSIONER: Yes, that that the Chung-
16 king Government had returned to Nanking. That was
17 the question.

18 A (Continuing) No, that is not so.

19 Q So, according to the arrangement you have
20 just stated, Wang Ching-wei would be the acting chair-
21 man or acting president, leaving the presidency vacant;
22 was that right?

23 A Yes, until Mr. Lin, Sung came to Nanking, Mr.
24 Wang was to act as president -- was to be the acting
25 president.

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1 Q Now, on the top of page 16 of your affidavit
2 you stated that the staff officers of the Japanese
3 armies in China were opposed to the dissolution of
4 the Renovation Government because it will give rise
5 to difficult problems in the maintenance of public
6 peace. Now, what would be these difficult problems?

7 A If both the Provisional and Renovation
8 Governments were to be dissolved, the question of
9 personnel of both governments would present a diffi-
10 cult problem. According to Chinese custom, if the
11 head of one faction were to move, then his followers
12 would create a disturbance. That would affect public
13 peace.

14 Q Now, you mentioned the Provisional Govern-
15 ment. But, in your affidavit, you didn't say that.
16 You only said, "the dissolution of the Renovation
17 Government."

18 A That was a mistake. I meant only to refer
19 to the Renovation Government.

20 Q And you intended to include that Provisional
21 Government in the statement, too, although you didn't
22 put it in, is that right?

23 A The Provisional Government and Renovation
24 Government are entirely different things.

25 Q I didn't mean that. I say, you stated on

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1 the affidavit that the dissolution of Renovation
2 Government will cause difficulty.

3 THE COMMISSIONER: Hasn't the witness made
4 it clear that, by Renovation Government, he really
5 has made a mistake and intended to say "Provisional
6 Government"? Could he be asked if that is what he
7 meant?

8 THE WITNESS: When I said "Provisional
9 Government," I meant "Renovation Government."

10 THE COMMISSIONER: Well, the affidavit
11 says "Renovation Government." Does he then say that
12 his affidavit does convey his real intention?

13 MR. ROBERTS: Ask him the question.

14 THE COMMISSIONER: That is intended as a
15 question.

16 THE WITNESS: That is so, yes.

17 Q Now, you referred to the interview between
18 Wang Ching-wei and Prince KONOYE. How many interviews
19 did Wang have with Prince KONOYE in Tokyo?

20 A Does that include all interviews with Prince
21 KONOYE or how many times he saw Prince KONOYE on this
22 occasion?

23 Q Yes, during Wang's visit to Japan in June,
24 1939.

25 A Once.

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1 Q Only once. Now, when Mr. Wang interviewed
2 Prince KONOYE, how many people were present?

3 A On the Japanese side, myself and an interp-
4 reter, Secretary SHIMIZU. The interview lasted for
5 one hour. After that everyone retired, and Prince
6 KONOYE and Mr. Wang spoke in private.

7 Q You say they talked without an interpreter;
8 was that right?

9 A They spoke without interpreter for three
10 hours.

11 Q Now, SHIMIZU, in his affidavit -- do you know
12 that SHIMIZU, in his affidavit numbered exhibit 2585,
13 stated that he was the interpreter?

14 A Yes, that is so.

15 Q How do you explain that?

16 THE COMMISSIONER: Put your question more
17 specifically. I am afraid I do not know what it is
18 you are asking him to answer.

19 JUDGE NYI: Yes.

20 Q Since you say they talked without an interp-
21 reter and SHIMIZU says he was the interpreter during
22 the talk between these two statesmen, now, which is
23 correct?

24 A If both are read together, parallel, then
25 the truth is revealed.

1 THE MONITOR: Those two statements combined
2 would constitute the truth. To go into detail, that
3 means that SHIMIZU acted as interpreter for one
4 hour, and then he retired, and the two persons spoke
5 for three hours.

6 Q And when these two statesmen talked for
7 three hours, you retired, too?

8 A Yes, I did.

9 Q How do you know the contents of their talk?

10 A I have stated in my affidavit that I do not
11 know the details of the conversation.

12 Q In your affidavit you say they talked with-
13 out an interpreter and so you could not understand
14 the contents in detail. That would be the --

15 THE COMMISSIONER: What part of the affi-
16 davit are you referring to, Mr. Nyi?

17 JUDGE NYI: Page 16, the second paragraph
18 from the bottom.

19 THE COMMISSIONER: What is said there seems
20 to be entirely consistent with what the witness is
21 now saying: that, as he was not present, he does not
22 know what they said.

23 JUDGE NYI: Yes. He said he was not present
24 when they talked for three hours.

25 THE COMMISSIONER: Why take time cross-

1 examining upon it then?

2 Q In the second paragraph of your affidavit
3 you say that they talked without any interpreter and
4 you did not understand, but it seems to you that
5 the interview Mr. Wang had was inspired with much
6 courage and hope to the future of the peace movement.

7 THE COMMISSIONER: Perhaps I can help you.
8 What counsel wants to know is this: If you were not
9 present and did not hear what they said, how do you
10 know that what took place inspired Mr. Wang with
11 courage and hope as to the future of the peace move-
12 ment?

13 THE WITNESS: I heard that from Mr. Wang.

14 Q Afterwards?

15 A Yes.

16 Q But the affidavit doesn't look that way.

17 THE COMMISSIONER: Well, that is a matter
18 of construction.

19 Q Now, on page 20 of your affidavit, near the
20 bottom you mention the inauguration of the new govern-
21 ment at Nanking on March 30, 1940.

22 THE MONITOR: What number paragraph is that,
23 Mr. Nyi?

24 THE COMMISSIONER: Paragraph 16.

25 THE MONITOR: The end of 16?

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1 JUDGE NYI: Just the last four lines from
2 the bottom.

3 MR. ROBERTS: The next to the last para-
4 graph -- the date March 30 used there.

5 JUDGE NYI: The last paragraph on this page;
6 the second paragraph of Section 16.

7 THE MONITOR: All right, sir. Will you
8 continue, please.

9 Q My question is, did you attend the inaugura-
10 tion ceremony?

11 A Yes, I did.

12 Q Did you go to Nanking the day before the
13 inauguration ceremony from Shanghai?

14 A I went to Nanking about one week before the
15 inauguration.

16 Q Do you recall that there was some dispute
17 about the pennant of the national flag, and you were
18 very much displeased about it?

19 A Yes, I do.

20 Q And you protested very strongly to Mr. Wang
21 Ching-wei because the pennant was not wide enough;
22 was that right?

23 A No. There was nothing of the kind -- nothing
24 of the kind occurred. No, I did not have any dispute
25 with Mr. Wang.

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1 Q You just said, before I asked you the last
2 question, that you remembered there was.

3 A Yes, there was -- a problem did arise, but
4 there was no dispute -- no argument.

5 Q How did this problem come up? Was it the
6 fact that you made a representation?

7 A No, that is not so.

8 Q How did that question come up?

9 A When Mr. Wang came to Japan it was promised
10 that triangular pennant would be affixed on top of
11 the Chinese national flag. But, at the inauguration
12 ceremony, the pennant was not in accordance with the
13 promise previously given. So, from the Japanese side,
14 it was -- the Japanese side asked me to request that
15 the pennant be affixed in accordance with the previous
16 agreement. I took this matter up with Mr. Chow Fu-hai,
17 and it was immediately settled.

18 Q Was it a fact that Wang Ching-wei had apolo-
19 gized to you officially for that?

20 A No, that is entirely untrue.

21 Q Did he apologize to the expeditionary forces
22 headquarters and to the expeditionary fleet headquarters?
23 Do you know that?

24 A No that is not so. I acted as intermediary,
25 and everything was settled.

KAGESA

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1 Q Do you mean to say that you didn't know
2 whether such an apology was offered or you know that
3 it was definitely not offered?

4 A I mean to say that no apology was made.

5 Q Did you go with Mr. Wang Ching-wei to North
6 China after coming back from Tokyo?

7 THE MONITOR: Who came back from Tokyo, Wang?

8 JUDGE NYI: Wang.

9 A Yes, I did. I went directly from Tokyo to
10 North China.

11 Q Whom did he see in North China?

12 A Mr. Wang saw the head of the Provisional
13 Government, Mr. Wang, Keh-ming, and General TADA,
14 commander of the Japanese forces there. He saw only
15 those two persons.

16 THE COMMISSIONER: You have a number of
17 questions on this phase, I assume, have you?

18 JUDGE NYI: Yes.

19 THE COMMISSIONER: Very well. We will ad-
20 journ until one-thirty.

21 (Thereupon, at 1200, a recess was
22 taken.)

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AFTERNOON SESSION

1
2 The Commission met, pursuant to recess,
3 at 1335.

- - -

4
5 S A D A A K I K A G E S A, called as a witness on
6 behalf of the defense, resumed the stand and
7 testified through Japanese interpreters as
8 follows:

CROSS-EXAMINATION

9
10 BY JUDGE NYI (Continued):

11 Q Before the recess I was asking you about
12 Wang's visit to North China. You told me that he
13 saw the mayor, Wang, Keh-ming and the General TADA.
14 Do you know what topics they discussed in their inter-
15 views?

16 A In the interview with Wang, Keh-ming I was
17 not present. In the interview with General TADA, no
18 interpreters were used. Therefore, I do not know
19 what was said between the two. They spoke in Chinese.
20 Therefore, I do not know in details the contents of
21 the conversation. However, I heard from Mr. Wang
22 later that he spoke to General TADA about the Central
23 Government which was to be established later and
24 reached certain understandings.
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1 Q Was one of the important topics discussed the
2 amalgamation of the two existing regimes and the
3 Renovation Government?

4 A I believe that this was one of the topics,
5 but that is my guess only.

6 Q Was this done in accordance with the views
7 of General TADA -- of General ITAGAKI who said that
8 the personnel of the two governments should be given
9 consideration?

10 A No. That was not so. As far as the personnel
11 problems of both regimes, this was left strictly up
12 to Mr. Wang alone and his policy.

13 Q Did he discuss it with Mr. Wang, Keh-ming?

14 THE INTERPRETER: Personnel question?

15 JUDGE NYI: Yes, about it.

16 A I suppose they did.

17 Q You have put in your affidavit that General
18 ITAGAKI told Mr. Wang that the personnel of the two
19 existing regimes should be given consideration, and
20 you also stated this morning that the dissolution of
21 the existing government will give rise to difficulties
22 in the maintenance of peace. And my question is, do
23 you know if anything of that kind, that is, the
24 placing of this personnel of the dissolved govern-
25 ments, was discussed between these two individuals?

KAGESA

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1 A Do you mean in conversation with General
2 TADA?

3 Q With Mr. Wang, Keh-ming.

4 A I imagine that such problems were discussed.

5 Q Do you know it very positively?

6 A I have not heard anything about it at all.
7 I just imagined that such things took place.

8 Q Did Mr. Wang never tell you anything about
9 that?

10 A He has intimated to me that personnel
11 problem would constitute a very serious problem.

12 THE COMMISSIONER: The question was whether
13 he told you he had discussed it with General TADA.

14 JUDGE NYI: Mr. Wang, Keh-ming.

15 THE COMMISSIONER: That was the question.

16 THE WITNESS: Yes. That's exactly what I
17 mean. I imagined that Mr. Wang, Keh-ming and Mr.
18 Wang Ching-wei spoke -- conversed about the personnel
19 problem, and later, after the conversation, Mr. Wang
20 Ching-wei told me that this personnel problem will
21 constitute a problem of considerable difficulty.

22 Q And that was done in accordance with the
23 views expressed by General ITAGAKI, is it?
24

25 A No, that is not so. General ITAGAKI just
stated -- just said that the dissolution of their

1 Renovation Government would constitute a peace
2 maintenance problem, and Mr. Wang Ching-wei did not
3 converse with Mr. Wang, Keh-ming on the basis of
4 what General ITAGAKI said.

5 Q But the effect of it was the same, was it?
6 A Why?

7 Q It reached the same purpose, did it?

8 THE COMMISSIONER: Mr. Nyi, is there any
9 advantage in pursuing this? You have specific
10 answers from the witness upon it. You are now merely
11 speculating, taking time and getting no facts that
12 will help the Court in any way that I can see.

13 JUDGE NYI: I will withdraw it.

14 Q Did you go to Tsingtao with Mr. Wang Ching-
15 wei when he met the leaders of the existing regimes
16 in January, 1940?

17 A Yes.

18 Q Now, what was your purpose of going there?

19 A The purpose of my going -- the purpose for
20 my having gone to that place was that I was to ex-
21 plain the circumstances under which Central Government
22 was born, and other matters concerning the establish-
23 ment of the Central Government to the people coming
24 from North China, and also to the newspaper reporters
25 and other such concerned people.

1 Q Did you also play the part or the role of
2 the mediator between Mr. Wang on the one side and the
3 two leaders -- the leaders of the two existing re-
4 gimes on the other?

5 A No. Everything was conducted by Mr. Wang
6 himself.

7 Q You stated on page 20 of the affidavit that
8 there was no organ or mechanism to guide the Wang
9 Ching-wei Government.

10 THE INTERPRETER: What paragraph No. is that?

11 JUDGE NYI: The paragraph before 17.

12 THE COMMISSIONER: Please go on to your
13 question and let us see whether all this waste of
14 time is justified. What is the question that you are
15 going to ask?

16 JUDGE NYI: My question was, what were the
17 functions of the Ko-A-In?

18 THE COMMISSIONER: Well, you can ask that
19 question without taking time by reference to his
20 affidavit.

21 A The function of the China Affair Board mainly
22 was to decide on the Japanese policy regarding poli-
23 tics, economy and cultural matters.

24 Q Did it have four liaison offices in China
25 to direct affairs of the new regimes?

1 A The China Affair Board was not an organ
2 which directed or led anybody.

3 Q You haven't answered my question.

4 A Please, may I have the question repeated?

5 THE COMMISSIONER: Are you speaking of
6 people, officers?

7 JUDGE NYI: Offices.

8 (Whereupon, the the official court
9 reporter read the question referred to as
10 follows:)

11 "Q Did it have four liaison offices in
12 China to direct affairs of the new regimes?"

13 A What do you mean by "new regimes"?

14 Q Regimes which were existing in China;
15 Provisional Government, Renovation Government and,
16 afterwards, the Central Government.

17 A That is why I answered previously that the
18 China Affair Board had no authority -- no function
19 to lead or guide Chinese affairs -- affairs of Chi-
20 nese government or regimes.

21 Q Was it also true that the Ume Organ was also
22 directing affairs of the new regimes?

23 A No, the Ume Agency has never directed anyone.
24 In fact, the Wang Government directed the affairs --
25 in fact, Mr. Wang, himself, directed the Ume Agency,

1 if anything. And, as I have stated before, after the
2 establishment of the Wang Government, the Ume Agency
3 was dissolved.

4 Q Did you say that Wang was directing the af-
5 fairs of the Ume Agency?

6 THE COMMISSIONER: That question need not
7 be answered. It is quite unnecessary.

8 Q Did you not say in the affidavit that
9 advisers -- the Japanese advisers acted as a medium
10 between the Wang Government and the Japanese side in
11 the prosecution of the policies?

12 A I have not said anything of that sort.

13 Q You didn't say that?

14 THE COMMISSIONER: If he did say it, Mr.
15 Yi, is it necessary to ask him if he did say it?
16 You can, at an appropriate time, draw attention to
17 it. But, surely it is unnecessary to ask him whether
18 he did or did not say something which, presumably,
19 he asserted in his affidavit. That is just time-
20 consuming.

21 JUDGE HYI: Yes. Your Honor, I was just
22 trying to ascertain whether there would be misunder-
23 standing of the part which he put in the affidavit
24 which seemed to be contradictory to a previous
25 paragraph in the same affidavit.

KAGESA

CROSS

1 THE COMMISSIONER: That is rather the
2 function of counsel in summation and not in cross-
3 examination. If he has made contradictory state-
4 ments, then you can comment upon it at an appropriate
5 time.

6 JUDGE NYI: Thank you, sir.

7 BY JUDGE NYI (Continued):

8 Q Do you know that there was an understanding
9 between the Ko-A-In and the Foreign Ministry that you
10 should be posted in China to direct affairs of the
11 new regimes?

12 A That is not true at all.

13 Q May I show you a document -- this is a re-
14 port of the conversation between SUZUKI of the Ko-
15 A-In and the Foreign Ministry. That's document
16 1005-17. It is quite a long document, but a glance
17 over this second paragraph will, perhaps, refresh
18 your memory.

19 (Whereupon, a document was handed
20 to the witness.)

21 THE COMMISSIONER: What you refer to is in
22 the paragraph number 2, is it?

23 JUDGE NYI: Yes.

24 Q (Continuing) Do you recall anything of that
25 sort?

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1 A If Political Affairs Bureau Chief SUZUKI
2 says these things, he was wrong. I was never posted
3 in China for the direction of affairs of the Chinese
4 regime. Now, just presuming, from the qualifications,
5 it is rather -- it is unthinkable that a person with my
6 qualifications and in my position -- in my low posi-
7 tion should direct a big man like Mr. Wang.

8 Q Do you recall some people proposing to post
9 MATSUOKA, the deceased, to direct it, and SUZUKI
10 thought it is enough to have you there? .

11 A No, I have never heard of that. If I had
12 known that, I would gladly have relinquished my post
13 to Mr. MATSUOKA.

14 JUDGE NYI: Your Honor, may I have this
15 document, 1005-17, marked for identification?

16 THE COMMISSIONER: You may. It will be
17 marked with the letter "K" for identification.

18 (Whereupon, the document above
19 referred to was marked prosecution exhibit
20 "K" for identification and is appended
21 hereto.)

22 Q Do you know a man by the name of TSUDA,
23 Shizue who was the President of the Shanghai Liaison
24 Office of To-I-In?

25 A Yes, I know him.

KAGESA

CROSS

1 Q Was it true that you and the Liaison Office
2 of Ko-A-In in Shanghai were fighting over the nomi-
3 nation of Japanese advisers to the new regime?

4 A Advisers were appointed to the post by
5 invitation of Mr. Wang. The advisers did not com-
6 pete to be appointed to that post.

7 Q Do you recall that there was any dispute
8 between you and the Ko-A-In office in Shanghai over
9 this topic?

10 A This question, you say?

11 Q Yes, about the nomination of Japanese ad-
12 visers in new regime.

13 A The appointments of advisers were left com-
14 pletely up to the recommendation by Mr. Wang.

15 Q Now, may I show you a document which was
16 a telegram from KATO in Shanghai to Foreign Minister
17 ARITA, document 1814-7. Excuse me, the number should
18 be 1814-D.

19 (Whereupon, a document was handed
20 to the witness.)

21 MR. ROBERTS: Has the witness been asked
22 if he can identify that document?

23 THE COMMISSIONER: There is no need to ask
24 him that at all. He has been tendered a document and
25 asked to examine it to see whether it will refresh

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his memory on some particular matter.

1 A This question is an entirely different mat-
2 ter from the matter that has been discussed a while
3 ago. This problem involves the proposal which was
4 submitted to the effect that the lower rank advisers
5 of the Renovation Regime be employed as advisers to
6 the new regime; and the answer was given that all
7 appointments of advisers should be left to Mr. Wang's
8 initiative and, therefore, the request refused.
9

10 THE COMMISSIONER: Before we proceed fur-
11 ther, the witness is referring now to the document
12 in his hands. Does he say that he knows or did know
13 of that telegram?

14 THE WITNESS: No, I have not.

15 Q You have stated on page 22, the third line
16 from the top, that there were temptations on the part
17 of the advisers to interfere with the Nanking Govern-
18 ment.

19 A Yes.

20 Q Since there was the presence of such a tempt-
21 ation, are you sure that they did not at all yield to
22 any of them?

23 MR. ROBERTS: May we have the line pointed
24 out that you are referring to, doctor.

25 JUDGE HYI: The third line from the top,

KAGESA

CROSS

1 page 22.

2 THE COMMISSIONER: From what page are you
3 reading?

4 JUDGE NYI: 22, third line from the top.

5 THE COMMISSIONER: Thank you.

6 A I do not know about the advisers heretofore,
7 how they acted, whether they interfered or not; but
8 I do know that the Japanese, as a race, has the habit
9 of interfering into other people's business. That
10 is what I pointed out in the national character --
11 that is what I pointed out in the affidavit.

12 Q On page 23, the 7th or 8th line from the top,
13 you mention that there was even an anti-Wang Govern-
14 ment atmosphere in Japan.

15 A That is so.

16 Q Was it due to the fact that the Wang Govern-
17 ment served too much as a tool to the Japanese Army
18 to the exclusion of the interests of the Japanese
19 people so that there was dissatisfaction in some
20 quarters among the Japanese?

21 A That is completely opposite to the actual
22 reasons for the antipathy.

23 Q Were the negotiations which you and IMAI
24 carried on with the representatives of Wang
25 Ching-wei referred to by the Army as the VATANABE

1 Plan?

2 A I do not remember as to the name.

3 Q Was not one of the principal terms of this
4 plan that Japan was to take possession of the natural
5 resources of North China?

6 A I do not have any recollection about this
7 WATANABE Plan. However, the results of the negotia-
8 tion between Wang's representative and myself and
9 IMAI on this side is virtually the same as the
10 announcement made by Prince KONOYE on 22 of December,
11 1938.

12 Q Did the plans finally agreed upon between
13 you and IMAI and the representatives of Wang Ching-
14 wei include the provision that Japan was to take
15 possession of the natural resources of North China?

16 A Is the negotiation that you are referring
17 to the negotiations conducted in November of 1938?

18 Q Between you and IMAI and the representatives
19 of Wang Ching-wei on various occasions.

20 A That did not take place. We only met them
21 once in the fall of 1938.

22 Q All right. Granting that this was the only
23 meeting that you had with representatives of Wang
24 Ching-wei, was it one of the terms that Japan was to
25 take possession of the natural resources of North

1 China?

2 A I do not remember the contents of the nego-
3 tiations. However, if you will judge the contents
4 of this conversation to be the same as Prince KONOYE's
5 statement made on 22 of December, 1938, you will be
6 right. I have stated that in my affidavit.

7 Q Was Ken INUKAI with you in Shanghai when
8 you met with the representatives of Wang Ching-wei?

9 A Yes, he was.

10 Q And did you and INUKAI, on or about December
11 21, 1938, have an interview with Prince KONOYE?

12 A I do not remember. However, I have freq-
13 uently met Prince KONOYE.

14 Q Did you not report to Prince KONOYE on that
15 occasion that the secret plot in China would be a
16 success?

17 A I do not even remember that INUKAI and I,
18 myself, met the Prince -- KONOYE. Therefore, I don't
19 recall at all what conversation took place. Conse-
20 quently, I do not know what you mean by "secret
21 plot."

22
23 JUDGE NYI: This will conclude my cross-
24 examination, sir.

25 THE COMMISSIONER: Mr. Nyi, there were a
number of telegrams, tendered by you to the witness,

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1 given marks for identification only, but the contents
2 of which have been discussed with the witness. It
3 seems to me that those should, in fact, be exhibits,
4 and I will so regard them unless you have some reason
5 to the contrary.

6 JUDGE NYI: Will your Honor just give us
7 one minute for consultation?

8 MR. KATO: I would like to say a word, Mr.
9 Commissioner.

10 THE COMMISSIONER: Is this the witness?

11 THE MONITOR: Counsel, sir.

12 THE COMMISSIONER: Yes. I still have to
13 hear from the prosecution.

14 JUDGE NYI: Your Honor, we have, in addition
15 to those already tendered, a number of other telegrams
16 which, taken together, will build up a more continu-
17 ous story of how this witness participated in the
18 Wang Ching-wei activities. We think it will not break
19 the continuity if we bring them all together at a
20 later stage. However, if your Honor thinks fit to
21 have them put in now, we are ready to do so.

22 THE COMMISSIONER: I understand counsel for
23 the defense desires to say something upon this.

24 MR. ROBERTS: It is the request of the
25 defense that we be furnished with the appropriate

copies in Japanese and English.

1 THE COMMISSIONER: I was not referring to
2 you, Mr. Roberts. One of the Japanese counsel indi-
3 cated that he desired to be heard.

4 MR. ROBERTS: He had a question on redirect.

5 THE COMMISSIONER: Oh, is that what he was
6 referring to?

7 MR. ROBERTS: Yes.

8 THE COMMISSIONER: I misunderstood. Very
9 well. The documents marked for identification from
10 "B" to "H," inclusive, are admitted as exhibits and
11 will be attached to this deposition. When they are
12 processed, the English translation must conform to
13 the modifications recommended by the Language
14 Arbiters.
15

16 (Whereupon, prosecution exhibits
17 "B" to "H," inclusive, for identification
18 were received in evidence and are appended
19 hereto.)

20 JUDGE NYI: Your Honor, in exhibit "C" and
21 "E" -- in each of these there are three telegrams,
22 and they were marked "C-1, 2, 3" and "E-1, 2, 3."
23 May we have it understood that they will be marked
24 separately?
25

THE COMMISSIONER: They will be marked as

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they have already been marked here.

1 JUDGE NYI: Your Honor, I must ask your
2 tolerance in making a correction. What I meant to
3 say is that "C-1, 2, 3" is one document, and this
4 will be given one number; and "E-1, 2, 3" also in
5 the one, same document, and they will be given one
6 number.

7 THE COMMISSIONER: That is entirely a matter
8 of administration for the Court. And, as each of
9 them contains three separate documents, it is much
10 more convenient that they should be so marked for
11 reference in examination later.

12 JUDGE NYI: Do we understand that these
13 documents will be, for the present, attached to the
14 records, and it will be read at the time when the
15 records will be read in the Tribunal?

16 THE COMMISSIONER: They will be processed
17 and attached to the deposition which will accompany
18 my report as Commissioner.

19 JUDGE NYI: And it will be read.

20 THE COMMISSIONER: Please. I can see no
21 reason why they should not be read the same as any
22 other part of the evidence tendered here. But, if
23 there be any question upon that, that is a matter
24 which must be determined by the Tribunal and not by
25

KAGESA

REDIRECT

24,143

me as Commissioner.

1 JUDGE NYI: That is satisfactory. We desire
2 to ask this to be read in the record.

3 THE COMMISSIONER: That application, if
4 necessary, can be made to the Tribunal.

5 JUDGE NYI: Thank you sir." (End of reading)

6 THE PRESIDENT: Mr. Roberts.
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1 MR. ROBERTS (Reading):

2 THE COMMISSIONER: I understand one of the
3 Japanese counsel, or perhaps more, desires to ask
4 questions in reexamination.

5 MR. ROBERTS: Yes.

6 MR. KATO: I am KATO, Takahisa, counsel for
7 the accused DOHIHARA. I would like to ask one ques-
8 tion to the witness.

9 THE COMMISSIONER: Please do so.

10
11 REDIRECT EXAMINATION

12 BY MR. KATO:

13 Q This morning you stated, Mr. Witness, that
14 while you were in Hanoi in April 22 or 23 of 1939 and
15 after Lieutenant General DOHIHARA had returned to
16 Tokyo, that DOHIHARA --

17 THE COMMISSIONER: Are you having difficulty
18 in translating the question?

19 THE MONITOR: Yes, sir. I will try to
20 translate it as he said.

21 THE COMMISSIONER: No. It would be much more
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1 satisfactory if counsel would frame his question
2 more simply. With faulty translation, we are in
3 danger of misunderstanding.

4 Q This morning the prosecution stated that
5 on or about 22 or 23 of April, 1939, while the wit-
6 ness was in Hanoi, and after DOHIHARA had returned
7 to Tokyo, someone sent a telegram to Japanese Mili-
8 tary Affairs Bureau through the code system of DOHI-
9 HARA's Agency that Shanghai was not a safe place for
10 the establishment of Wang Regime.

11 JUDGE NYI: Your Honor, I wish to make --

12 THE COMMISSIONER: The question is not yet
13 completed.

14 Q (Continuing) Now, Mr. Witness, who do you
15 think sent this telegram?

16 A I do not know whether that telegram was
17 sent or not.

18 THE MONITOR: I do not even know about the
19 fact that it was sent.

20 MR. KATO: Thank you. I understand.

21 THE COMMISSIONER: Are there any other
22 Japanese counsel?

23 MR. ROBERTS: No. I have just two or three
24 questions on redirect.

25 THE COMMISSIONER: No other Japanese counsel

1 desires to ask questions in redirect?

2 MR. ROBERTS: No. That is correct.

3 REDIRECT EXAMINATION (Continued)

4 BY MR. ROBERTS:

5 Q Mr. KAGESA, on page 18 of your affidavit you
6 refer to a New Year's statement of Wang Ching-wei on
7 January 1, 1940. Was that a written or an oral
8 statement?

9 THE COMMISSIONER: Where is that?

10 MR. ROBERTS: Page 18.

11 THE COMMISSIONER: Thank you.

12 The question surely doesn't call for that length
13 of a reply. He was asked whether it was verbal or
14 written. He can answer that.

15 MR. ROBERTS: Yes.

16 THE MONITOR: I will translate as far as he has
17 said, sir.

18
19 A I read this New Year's statement in the
20 Chinese newspaper while I was in Nanking. However,
21 at present there is no Chinese text of this New
22 Year's statement. This is a translation of the
23 section entitled "General Peace". In the book en-
24 titled "Road to General Peace", there is a translation
25 of this speech -- Japanese translation of this
speech.

1 Q I show you this document and ask you if that
2 is the book you now refer to.

3 (Whereupon, a document was handed
4 to the witness.)

5 A That is so.

6 MR. ROBERTS: I ask that this be marked
7 for identification, if your Honor please.

8 THE COMMISSIONER: It will be marked for
9 identification with a letter "L".

10 Q Mr. KAGESA, did Wang Ching-wei consider
11 Chiang Kai-shek as the real representative of the
12 Chinese people in the spring of 1939?

13 JUDGE NYI: I object.

14 THE COMMISSIONER: Before that is answered,
15 it is obvious he cannot tell us what anybody thought.
16 He can only tell us what people said. Please frame
17 the question in that form. Will you please reframe
18 your question, Mr. Roberts?

19 MR. ROBERTS: Yes, your Honor.

20 Q Did Wang Ching-wei tell you in the spring of
21 1939 whether or not he considered Chiang Kai-shek as
22 a real representative of the Chinese people?

23 A Yes.

24 Q Will you tell us what he told you in that
25 conversation.

1 JUDGE NYI: Your Honor, as far as we can
2 recall, this does not arise in the course of the cross-
3 examination.

4 THE COMMISSIONER: I think that is a proper
5 objection, but I am not disposed to exclude the ques-
6 tion. However, if you desire, you may further cross-
7 examine upon it.

8 A Wang Ching-wei said that the people of China,
9 deep in their hearts, all really desired peace. And
10 he further stated, however, it was regrettable that
11 Chiang Kai-shek was not able to exercise his own
12 initiative and to act according to his own will be-
13 cause of the fact that the communistic influence in
14 Chungking Government was too strong.

15 THE COMMISSIONER: How much further, Mr.
16 Roberts, do you contemplate this will go? This is
17 now going very much further.

18 MR. ROBERTS: This answer is all I require
19 on this topic.

20 THE COMMISSIONER: You have already had the
21 answer to your question?

22 MR. ROBERTS: Yes, your Honor.

23 THE COMMISSIONER: Very well. Please tell
24 the witness that is as much as his counsel desires.

25 THE MONITOR: Shall I translate what he

KAGESA.

REDIRECT

1 said -- the last part, sir?

2 THE COMMISSIONER: I do not think it is
3 necessary.

4 THE MONITOR: All right.

5 BY MR. ROBERTS (Continued):

6 Q In the telegram of May 3, exhibit "F," the
7 prosecutor referred you to a paragraph No. 4 and
8 particularly to the third sentence concerning a plan
9 to wait outside Shanghai.

10 THE COMMISSIONER: Which document is this?

11 MR. ROBERTS: Exhibit "F."

12 Q (Continuing) Does that reference to the plan
13 to wait refer to the terrorists as suggested by the
14 prosecutor or to Wang to wait outside Shanghai?

15 A Wang himself.

16 MR. ROBERTS: That is all.

17 THE COMMISSIONER: Does the prosecution de-
18 sire to further cross-examine upon that one question
19 which had relation to Wang's observations concerning
20 Chiang Kai-shek?

21 JUDGE NYI: I do not desire to recross-
22 examine him on the point of Wang's comment on General
23 Chiang Kai-shek, but I do want to cross-examine him
24 as to the last question Mr. Roberts has put regarding
25 the plan.

KAGESA

1 THE COMMISSIONER: I am sorry. I can-
2 not permit that. Your cross-examination is con-
3 cluded.

4 That, then, concludes these proceedings.
5 There will be a report of these proceedings pre-
6 pared and filed in the office of the Secretariat of
7 the Tribunal.

8 (Whereupon, at 1450, the proceed-
9 ing was concluded.)

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1 THE PRESIDENT: Judge Hsiang.

2 JUDGE HSIANG: If it please the Tribunal,
3 I will now read the exhibits which were offered and
4 received in evidence and appended to exhibit No. 2721
5 the report of the Commissioner, the Honorable Justice
6 Northcroft. (Reading):

7 "Exhibit B

8 "IPS DOCUMENT NO. 1005-(4)

9 "SECRET TELEGRAM NO. 987

10 "Drafted - April 19, 1939 - Dispatched - 0750
11 Arrived - 1547.

12 "To: The Chief of General Affairs Section.

13 "From: The Chief of Staff of the Taiwan
14 Army.

15 "HANOI TELEGRAM NO. 50

16 "From Kawamura (T.N. Code Term for KAGESA) to
17 SHIRAISHI.

18 "Finished commercial dealings. Everything is
19 favorable. Refer to the TSUCHIDA TELEGRAM for detail.
20 Answer.

21 "Moreover, inform TSUCHIDA beforehand not to
22 reproduce and distribute that telegram. "

23 Exhibit C-1:

24 "IPS DOCUMENT 1005-(6)

25 "Chief of Section TSUCHIDA (Written in blue

KAGESA

24,158

1 pencil)." I will omit this.

2 "Confidential Telegram dispatched at 1600
3 April 20, arrived at 1650.

4 "To: Chief of General Affairs Section,

5 "From: Chief of Staff of the Formosan Army.

6 "Formosan Telegram Extra

7 "Hanoi Telegram No. 51

8 "Kagesa Telegram No. 2.

9 "We wish to retract the part of the Hanoi
10 Telegram No. 50, requesting you to refer to the Foreign
11 Ministry telegram. It is our desire that you be in-
12 formed of the results of the operation by the present
13 telegram.

14 "(1) I visited Wang in his hide-out on the 18th
15 with INUKAI and YANO, and had about a three hours talk
16 with them. They said that, as they were already well
17 informed of the details through "KO", they would prefer
18 discussing the main problems at once. They made known
19 to us their firm determination (the results, they
20 trusted to Providence, and our absolute good will, they
21 fully appreciated) and informed us of their desire to
22 remove, as soon as possible, to a place safe and con-
23 venient for the development of their activities. They
24 considered this to be a prerequisite condition.

25 "Thus, after various considerations, it has

1 been decided that the French authorities should be
2 entirely responsible for the protection, etc. in re-
3 gard to the escape; that a French steamship should be
4 chartered to carry him safely to a hide-out in the
5 French Concession in Shanghai; that Japan should pre-
6 viously prepare two or three hide-outs in the Interna-
7 tional Settlement; and that the Japanese policemen from
8 the Shanghai Municipal Council should be placed around
9 them to keep guard.

10 "In this connection I shall request the
11 authorities of the Foreign Ministry to send appropriate
12 instructions to Shanghai to immediately prepare suitable
13 hide-outs in the International Settlement and to take
14 necessary measures for the protection. (As regards
15 protection, it is believed advisable to secretly contact
16 Vice-Inspector General AKAGI and have Japanese police-
17 men guard him after his arrival.)

18 "Furthermore, it is Wang's desire that you
19 take proper measures so that he may pass the quarantine
20 procedure incognito.

21 "(2) ITO, who is here at present, shall be
22 sent immediately to Shanghai. IWAI shall establish
23 connection with SLIKI and take part in the preparations
24 mentioned in the foregoing paragraph.

25 "(3) The "Hokko Maru" shall sail directly to

KAGESA

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1 Shanghai while secretly escorting Wang's steamer.
2 INUKAI, KAGESA, YANO, OSUZU and others shall be
3 on board the ship. You are requested to make YAAASHITA
4 (T.N.Steamship Co.) understand.

5 "(4) Von Forenhoben /Phonetic/ (730 tons)
6 has been decided to be the French steamer mentioned
7 above. The time of departure from French Indo-China
8 and the time of arrival in Shanghai have not yet been
9 decided so you shall be informed later."

10 Exhibit C-2.

11 "Chief of Section TSUCHIDA

12 "Confidential Telegram dispatched at 1600,
13 April 20, arrived at 1650.

14 "To: Chief of General Affairs Section

15 "From: Chief of Staff of the Formosan Army

16 "Formosan Telegram No. 996

17 "Hanoi Telegram No. 52

18 "Kagesa Telegram No. 3

19 "1. The hide-out in the French Concession
20 mentioned in the previous telegram is of a temporary
21 nature and it is our intention to remove them to hide-
22 outs in the International Settlement as soon as possible.
23 As regards preparation of houses in three places re-
24 quested in the previous telegram, it is his desire that
25 you make the following considerations.

KAGESA

1 "A. All the windows of the houses shall be
2 covered tightly with bullet-proof sheets of iron (the
3 upper half to be made so that they can be folded down
4 at any time)

5 "B. Small peeping windows shall be made in
6 these iron sheets, the outside of which shall be
7 covered with screens.

8 "C. Iron grilles that can be opened and
9 closed shall be installed in various places in the
10 houses.

11 "D. It would be suitable if one of the
12 houses will be provided in the Hongkew district and
13 two in the south of the Soochow Creek district (one
14 of them near the extension)."

15 Exhibit C-3.

16 "Chief of Section TSUCHIDA

17 "Confidential Telegram dispatched at 1600,
18 April 20, arrived at 1655.

19 "To: Chief of General Affairs Section

20 "From: Chief of Staff of the Formosan Army

21 "Formosan Telegram No. 997

22 "Hanoi Telegram No. 53

23 "Kagesa Telegram No. 4

24 "1. As a result of further working, the
25 following corrections shall be made in Kagesa telegram

KAGESA

1 No. 2 so you are requested to take measures for previous
2 preparations. (Definite decision shall be made after
3 deliberation with French authorities here.)

4 "A. When the French Steamship arrives at
5 Shanghai (scheduled for the end of this month), the
6 Japanese authorities and Wang's comrades shall be to-
7 gether in charge of the method of disembarkation and
8 transportation of passengers who later boarded the
9 ship.

10 "B. If possible, it would be convenient if
11 he could be taken directly to the hide-out mentioned
12 in the previous telegram and not to the French
13 Concession in Shanghai.

14 "2. As ITO and Sergeant-major KAWASHIMI will
15 be sent to Shanghai first, the Army is requested to
16 let the Japanese Agency in Shanghai deliberate with
17 these two persons."
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KAGESA

Exhibit D:

"IPS Document 1005-(8)

"Sent from Honoi P.M. 24 April 1939

"Arrived at this office P.M. 24 April 1939

"To: Foreign Minister ARITA.

"No. 93

"From: KAWAMURA

"The negotiation is completed and plans for loading the cargo (T.N. Code Term for Wang Ching-wei) have already been arranged. Moreover, as the situation does not permit any change in the plans, we wish to carry it out according to the fixed schedule.

"In this connection you are requested to demand an immediate completion of preparations for at least one of the warehouses in Osaka (T.N. Code Term for Shanghai); and you are also requested to take charge of preparations for its unloading.

"May 6th has been decided for the arrival of the cargo in Osaka."

Exhibit E-1:

"April 29, 1939.

"The Eighth Section, Army Department, Imperial Headquarters.

"1. The telegram received at 4 p.m., the 28th:

"I have been successful in establishing liaison

KAGESA

1 with Wang. Accordingly, the course of our ship (Note:
2 the Hokko-Maru of the Yamashita Shipping Co.) has been
3 changed from Takeo to Keelung. (Will arrive there at
4 8:00 P.M. the 30th) Further destination will be
5 decided later. I hope YAMAMOTO, who is at present at
6 Taihoku, will also change his destination and go to
7 Keelung.

8 "(Signed) KAGESA."

9 Exhibit C-2:

10 "2. The telegram received at 4:50 P.M. on the
11 28th:

12 "It seems that Wang is somewhere near Hongkong,
13 although not quite certain. I have been successful
14 in establishing liaison with him and have been informed
15 of his safety. (At 1:00 p.m., 28th)

16 "Please communicate this to all authorities
17 concerned.

18 "(Signed) KAGESA."

19 Exhibit E-3:

20 "3. To Colonel USUI, from Major HARUKI.

21 "April 30: Dispatched 1030; Received 1310.

22 "I have received your telegram No. 307.

23 "Preparations for landing and guard of the
24 residence etc. will be completed with the help of the
25 officials concerned by the evening of the 4th, at the

KAGESA

1 latest, and it is going on satisfactorily with utmost
2 secrecy. It will be very convenient for me if I shall
3 be informed of the approximate time of arrival off
4 Woosung, since I hope to establish liaison directly
5 with KAWAMURA (T.N. Code Term for KAGESA) prior to land-
6 ing."

Exhibit F:

"IPS Document 1005-(13)

"Confidential, Top Secret Telegram.

"Dispatched 1900 Hrs. May 3rd.

"Received 2055 Hrs. May 3rd.

"To Chief of General Affairs Department.

"From Chief of Staff of Formosan Army.

"Formosan Army Telegram No. 98.

"From KAGESA to Chief of the 2nd Department.

16 "1. Wang and his suite will arrive at the
17 'Pilot Station', Shanghai Port, at 10.00 A.M. on the
18 6th, in accordance with the pre-arranged plan which
19 I have notified to you recently.

20 "2. 'Wang is naturally anticipating, after
21 his arrival in Shanghai, a battle of telegrams with
22 Chiang, and also terroristic opposition. Accordingly,
23 he wishes to set himself up as soon as possible at the
24 place most convenient for his various activities.'

25 "3. Therefore, when Wang and suit arrive at

1 Shanghai, they shall stay for the time being in a house
2 prepared in Shanghai. We have to rely upon Japanese
3 Navy or Army or some other well organized power for
4 guard and protection.

5 "4. It is reported that Japanese terrorists
6 have been sent from Tokyo to Shanghai for the above pur-
7 pose. But, considering the bitter experiences in the
8 past, I wish you would absolutely stop the plan. It
9 may seem a good plan to wait in some place outside
10 Shanghai until the preparation for guard and protection
11 by Ting Me Tsun will be finished, but I don't believe
12 it will be finished within two or three months, in view
13 of the general situation.

14 "5. Wang has the intention to call together
15 all his followers (about 30 people) in order to decide
16 the future negotiation plan. Taking the situation in
17 Shanghai into consideration, Wang is also contemplating
18 to hire a Japanese ship and, leaving China for about a
19 month, hold a conference on board the ship while cruis-
20 ing around Singapore, Manila, etc.

21 "6. According to my (KAGESA's) opinion, the
22 Japanese ship available at present cannot accommodate
23 so many people as thirty and it is necessary to prepare
24 another ship. Therefore, I ask the General Staff Head-
25 quarters to study the matter."

Exhibit G:

"IPS Document 1005 (19)

"Confidential and Top Secret Telegram.

"Sent 1630 May 23rd.

"Arrived 1600

"Original Telegram: Central China No. 249.

"From: DOIHARA AGENCY

"To: The Chief of General Affairs Section

"From: Colonel KAGESA

"1. Mr. Wang Ching-wei will dispatch messengers to Peking and Nanking before long with his confidential letters to the Provisional and Renovation Governments and to Wu Pei-Fu, explaining the reasons for his action and requesting their cooperation.

"2. The above is aimed at dispelling the misunderstandings which are based upon the various rumors, particularly the rumor that (Wang's movement) is a camouflaged trick on the part of the Chiang Regime. It will also make clear that Japan would not initiate political negotiations prematurely.

"3. Wang realizes that a friendly relation with Wu would have great influence on the future of his scheme. Wang decided to work on his unpreparedness (original note in pencil: 'What is the actual meaning?')."

Exhibit H:

"URGENT AND CONFIDENTIAL

"Sent at 1200, 30 May 1939

"Received at 1320

"Original Central China Telegram No. 276.

"Addressed to the Chief of the General Affairs Section.

"From: DOIHARA Agency

"To: The Chief of the 2nd Department

"From: KAGESA.

"1. WANG and his suite of 13 will fly on the 31st at 9:00 A.M. if weather permits. They will rest at Omura on their way, and then fly directly to Tokyo.

"2. The Navy informed us that their landing-place shall be Yokusuka.

"3. KAGESA, ICHIDA, INUKAI and SUGA of the Navy will accompany them.

(Note: Telephoned by the General Staff:

"1. They will land at Omura at 1:00 P.M., 31st

"2. They will leave Omura at 2:00 and reach Tokyo about 6:00."

That concludes the reading.

THE PRESIDENT: We will adjourn until half-

1 past nine tomorrow morning.

2 (Whereupon, at 1600, an adjourn-
3 ment was taken until Thursday, 12 June
4 1947, at 0930.)

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